

***United States Court of Appeals  
for the Second Circuit***



**APPENDIX**





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WITH PROOF  
OF SERVICE

A-12  
76-1227

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UNITED STATES COURT OF APPEALS

for the

SECOND CIRCUIT

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B  
Pr S

UNITED STATES OF AMERICA,

Appellee,

-against-

CHRISTOPHER WILLIAM,

Appellant.

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ON APPEAL FROM A JUDGMENT AND COMMITMENT OF THE UNITED STATES  
DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

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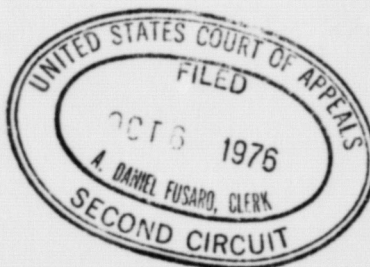
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APPENDIX

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(5774)

PAGINATION AS IN ORIGINAL COPY

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## DOCKET ENTRIES

75 CR 814-4

CHRISTOPHER WILLIAMS

DISTRICT COURT - CRIMINAL DOCKET

PEAL

Assigned Trial  
ATE 0712  
1 Disp./Sentence  
Office

U.S. vs.

Case Filed  
Day Mo.

Yr. Docket No. 105

No. of  
Defendants

DOOLING, J.

defendant

## U.S. CODE SECTION

## OFFENSES

## COUNTS

## MAGR. CASE NO.

21-841(a)(1) &  
18-2Did unlawfully possess & did  
distribute cocaine

5

BAIL \* RELEASE

21-846

Did conspire with each other to  
distribute and to possess with intent  
to distribute cocaine

1

Personal Recog.  
Unsecured Bond  
Conditional Release

AMT (000)

Set

10% Deposit

S

Surety Bond

date

Collateral

Bail Not

3rd Party

Made

Custody

Bail Status

PSA

Changed

(See Docket)

U.S. Attorney or Asst.

Marsha Katz

Defense: CJA, C Ret, L Waived, L Self, L None, Other, PD, CO

## ARREST

## INDICTMENT

## ARRAIGNMENT

## TRIAL

## SENTENCE

U.S. Custody  
Began on Above  
ChargesHigh Risk  
Defn. &  
Date Design'd

Information

Waived

Superseding

Indict/Info

11/3/75

1st Plea

11-10-75

Final Plea

Trial Set For

Vair Dire

1/19/76

Not Guilty

Nolo

Guilty

Not Guilty

Nolo

Guilty

Vair Dire

1/19/76

Trial Began

1/19/76

Trial Ended

1/22/76

Disposition

1/22/76

Disposition

1/22/76

Convicted

Acquitted

Dismissed

Noted

Discontinued

On All Charge

On Lesser

Offense(s)

WOP

WP

Discontinued

Discontinued

Discontinued

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\* Show last names and suffix numbers of other defendants on same indictment/information

V. Excludable Delay

DATE DURSO 1; FABELLA 2; MORTON 3

(a) (b) (c) (d)

11-3-75 Before MISHLER, CH J - Superseding Indictment filed

11-10-75 Before MISHLER, CH J - case called - deft & counsel E. Kelly of Legal Aid present - deft arraigned and enters a plea of not guilty - bail conditions in relating case 75 CR-177 are carried over to this case - trial set down for 1-19-76.

11/18/75 Before MISHLER, CH J. - Case marked off

12-5-75 Magistrate proceedings filed relating to deft received from Clerk, District of Columbia, Washington, D.C. (placed in criminal folder)

1-19-76 Before DOOLING J - case called - deft & counsel E. Kelly of Legal Aid present - Trial ordered and begun - Jurors selected and sworn - Govts opens - deft waives opening - trial contd to Jan. 20, 1976.

1/20/76 Before DOOLING, J. - Case called - deft and counsel present Trial resumed - trial contd to 1/21/76

1-21-76 Before DOOLING, J. - Case called. Deft & counsel present. Trial resumed. Govt rests. Deft moves for dismissal of the indictment. Motion to dismiss granted as to counts 3, 4 & 5. Denied as to counts 1, 2 & 6. Deft rests. Both sides rest. Deft renews motion for a directed verdict. Motion denied. Both sides summation. Govt's rebuttal. Marshal's sworn. Alternate jurors discharged. Jury retires for deliberation.

## DOCKET ENTRIES

DATE	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
22/76	Before DOOLING, J. - Case called- deft and counsel present- trial resumed- jury resumes deliberations jury returns and renders a verdict of guilty as to counts 1, 2, and 6- jury polled- jury discharged trial concluded- deft reserves motions until sentence day- sentence adjd without date - bail contd				
22/76	By DOOLING, J. - Order of sustenance filed				
15/76	Petition for writ of habeas corpus ad prosequendum filed- <del>issued</del> issued				
19/76	Petition for writ of habeas corpus ad prosequendum filed- issued				
19-76	Before DOOLING, J. - Case called. Attys present. Deft not produced by state authorities. Govt's motion to increase bail granted. Prior bail terminated. Deft remanded. Bail deposit requirement increased to \$2,500 on \$25,000 personal appearance bond.				
26-76	By CATOGGIO, J. - Order for acceptance of cash bail filed				
8-29-76	Writ ret'd and filed - unexecuted.				
4-30-76	Before DOOLING J - case called - deft & counsel E. Kelly present - Deft is sentenced on the superseding indictment to 5 years plus special additional parole term of 5 years on each of counts 1, 2 & 6 -sentence to run concurrently. Deft released pending appeal. Present bail continued - deft to report weekly to the U.S. Marshal for the District of Columbia. Deft advised of right to appeal.				
4-30-76	Judgment & Commitment filed - certified copies to Marshal				
3/76	Notice of appeal filed (without fee)				
3/76	Docket entries and duplicate of notice of appeal mailed to court of appeals				
28/76	Copy of Order received from court of appeals and filed that record be filed on or about 7/7/76				
22/76	<del>Received from Court of Appeals, a record of Appeal filed on or before August 6, 1976.</del>				
22-76	Order received from court of appeals that index to record be filed on or before 8-6-76				
2-20-76	4 stenographers transcripts filed dated Jan. 19, 1976; Jan. 20, 1976; Jan. 21, 1976 and Jan. 22, 1976 respectively.				
<div data-bbox="725 1610 1177 1769" data-label="Text"> <p>A TRUE COPY ATTEST          LEWIS ORRILL          BY <i>[Signature]</i> DEPUTY CLERK</p> </div>					
		(a)	(b)	(c)	(d)
		Start Date End Date		Ltr. Code	Total Days



## INDICTMENT

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
UNITED STATES OF AMERICA

-v-

LEONARD DURSO  
RICHARD FABELLA  
WILLIAM MORTON  
CHRISTOPHER WILLIAMS

SUPERSEDING  
INDICTMENT

21 U.S.C. §841(a) (1)  
21 U.S.C. §894(a)

Defendants

75 CR 814  
FILED

CLERK'S OFFICE  
DISTRICT COURT E.D. N.Y.

-----x  
THE GRAND JURY CHARGES:

NOV 3 1975

COUNT ONE

On or about and between December 25, 1973 and January 5, 1974, within the Eastern District of New York, the defendants LEONARD DURSO, WILLIAM MORTON and CHRISTOPHER WILLIAMS, knowingly, intentionally, and unlawfully did distribute and possess with intent to distribute approximately one-quarter pound of cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Section 841(a) (1)  
and Title 18, United States Code, Section 2)

COUNT TWO

On or about and between January 15, 1974 and February 15, 1974, within the Eastern District of New York, the defendants LEONARD DURSO, WILLIAM MORTON and CHRISTOPHER WILLIAMS, knowingly, intentionally, and unlawfully did distribute and possess with intent to distribute approximately one-quarter pound of cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Section 841(a) (1)  
and Title 18, United States Code, Section 2)

COUNT THREE

On or about and between April 1, 1974 and May 1, 1974, within the Eastern District of New York, the defendants LEONARD DURSO and CHRISTOPHER WILLIAMS knowingly, intentionally, and unlawfully did

## INDICTMENT

distribute and possess with intent to distribute approximately one-quarter pound of cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Section 841(a)(1)  
and Title 18, United States Code, Section 2)

COUNT FOUR

On or about and between May 1, 1974 and June 1, 1974, within the Eastern District of New York, the defendants LEONARD DURSO and CHRISTOPHER WILLIAMS, knowingly, intentionally, and unlawfully did distribute approximately one-quarter pound of cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Section 841(a)(1)  
and Title 18, United States Code, Section 2)

COUNT FIVE

On or about June 19, 1974, within the Eastern District of New York, the defendants LEONARD DURSO and CHRISTOPHER WILLIAMS, knowingly, intentionally, and unlawfully did distribute and possess with intent to distribute approximately seventeen ounces of cocaine, a Schedule II controlled substance.

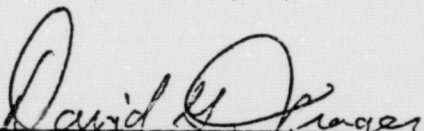
(Title 21, United States Code Section 841(a)(1)  
and Title 18, United States Code, Section 2)

COUNT SIX

On or about and between December, 1973 and July, 1974, both dates being approximate and inclusive, within the Eastern District of New York, and elsewhere the defendants LEONARD DURSO, RICHARD FABELLA, WILLIAM MORTON, CHRISTOPHER WILLIAMS and Harry Haralambus, unindicted co-conspirator and others to the Grand Jury known and unknown, knowingly, intentionally, and unlawfully did conspire with each other to distribute and to possess with intent to distribute quantities of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Section 846)

A TRUE BILL

  
FORELADY

DAVID G. TRAGER, UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK



1 and following the instructions of Judge Dooling, that  
2 you will be able to come to a fair and equitable verdict.

3 Thank-You.

4 THE COURT: Mr. Kelly.

5 MR. KELLY: Judge, the Defendant Christopher Williams  
6 waives his opening at this time.

7 THE COURT: Are you ready to proceed?

8 MR. BARLOW: Yes, Your Honor.

9 The Government will call Harry Haralambus.

10 H A R R Y H A R A L A M B U S, having been duly sworn by the  
11 Clerk of the Court, testified as follows:

12 THE CLERK: Would you state your full name for the  
13 record, please?

14 THE WITNESS: Harry Haralambus, H-a-r-a-l-a-m-b-u-s.

15 THE CLERK: Thank-you, please be seated.

16 DIRECT EXAMINATION:

17 BY MR. BARLOW:

18 Q Mr. Haralambus, how old are you, Sir?

19 A. Thirty-one.

20 THE COURT: I didn't hear that. Would you pull the  
21 microphone towards you so that we can hear. Don't worry,  
22 it won't break.

23 How old are you, Sir.

24 THE WITNESS: Thirty-one.

25 BY MR. BARLOW: (continuing)

1 Q And what do you do for a living?

2 A Right now I lay floors, tiles.

3 Q And where were you born?

4 A New York

5 Q And where have you lived most of your life?

6 A New York.

7 Q. Do you know a gentleman named Richard Fabella?

8 A Yes.

9 Q Can you tell me how long you have known him?

10 A Most of my life.

11 MR. KELLY: I am sorry, I didn't hear the answer.

12 THE WITNESS: Most of my life.

13 THE COURT: Most of my life.

14 I wonder if you would sit up straight and  
15 address yourself to the mike . It is a little hard to  
16 hear you.

17 BY MR. BARLOW: (continuing)

18 Q Referring you to the early winter of 1973, did you  
19 have occasion to have a conversation with Mr. Fabella?

20 A Yes.

21 Q. Do you remember where it was?

22 A My house.

23 Can you tell us what he told you?

24 MR. KELLY: Objection.

25 MR. BARLOW: May I have the Court's instruction.



Haralambus-direct

THE COURT: Well, I don't know what is forthcoming, but as you can probably hear the Defendant is not asserted by any of the evidence thus far to be present. And hence what passed between two other people is not in anyway connected at the time with the Defendant.

BY MR. BARLOW: (continuing)

Q Alright, you may answer now, Mr. Haralambus?

A He informed me that he could get cocaine and that he could give me all I wanted. And if I was interested in doing business with him.

Q And what was your response to that?

A I told him yes, I would have to see it and I would let him know in a couple of days.

Q As a result of talking to him did you communicate with anybody else the next few days?

A Yes. I called my cousin Peter in Washington.

Q That would Peter Mikedes?

A Yes.

THE COURT: How do you spell the last name?

THE WITNESS: M-i-k-e-d-e-s.

THE COURT: That is an s at the end?

THE WITNESS: Yes.

BY MR. BARLOW: (continuing)

Q What did you tell you cousin?

Haralambus-direct

A That I was about to get the cocaine. And that I had snorted it a little bit later and that he had brought me a sample, and that I snorted some and it was pretty decent like.

Q When you say that, was Mr. Fabella alone or with someone else?

A No, just Mr. Fabella at the time when I got the sample of cocaine from Mr. Fabella.

Q What if anything did you do?

A I tested it.

Q Can you tell us how you tested it.

A First I took a little and burned it in tin foil. Then I took some and dropped it in water to see if it would fall, to see how much was cocaine.

THE COURT: I must ask you to sit up and speak through the microphone.

THE WITNESS: To see how much cocaine that dissolved in the water. I also did a drop, cut the cocaine to see if it was cocaine or speed or what.

Q By cutting, that would be something mixed with the cocaine?

A Yes.

Q Had you performed this test before?

A Yes.



Haralambus-direct

Q Had you yourself used cocaine before?

A Yes.

Q And were you familiar with what the results of these tests would show as to the percentage of cocaine, the quality of cocaine.

A Yes.

Q How good was the cocaine that you got?

A It was a good quality.

Q Okay. Now, referring you again to the phone conversation with your cousin Mr. Mikedes after you had told him about being able to get the cocaine, what, if anything did he tell you?

MR. KELLY: Objection. May we have the same instruction?

THE COURT: Well, yes. None of this has been connected in anyway with the Defendant.

BY MR. BARLOW: (Continuing)

Q You may answer.

A Would you repeat the question, please?

Q After you had told him about the cocaine and --

THE COURT: That is after you had told Peter Mikedes about the cocaine, is that right?

MR. BARLOW: Yes.

(Continuing)

Haralambus-direct

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Q What did he tell you on the phone?

A That he was interested and that he would be back in touch with me.

Q And did he get back in touch with you?

A Yes.

Q Can you tell me about how much time lapsed between that phone call and when he communicated with you next?

A At the most, a week.

Q And when he communicated with you next was that over the phone, or in person?

A No, that was in person.

Q Now, just remember to answer the questions, and then we will go forward with that.

By the way, when you said you met in person, did you go to Washington, or he come to New York?

A He came to New York.

Q After the phone call, and prior to him coming up to New York, did you have occasion to see Mr. Fabella again?

A Yes.

Q Was he alone, or was somebody with him?

A He was alone at this time.

Q Did you have any conversation with him concerning the cocaine?

A Yes. I told him that I would get in touch with him



Haralambus-direct

in the next couple of days. That I would probably be interested in a quarter pound of cocaine to start.

Q And did he indicate that he would be able to get the quarter pound?

A Yes.

Q Now, when your cousin Peter came to New York did he come alone, or with anyone else?

A He came with two people. One's name was William Morton, and the other name was Carmen. I don't know the last name.

Q Do you know whether Mr. Morton, William Morton goes by any other name?

A Yes, Bebe. I was introduced at first as Bebe.

Q Did there come a time that you found out that his first name is William?

A Yes

Q Do you remember where you met him?

A My apartment.

Q Can you tell us what happened there?

A We discussed how much cocaine they were interested in and if they wanted to do business. And they said, yes. I showed them a sample that I had and they checked it out and they liked it and they said they liked to do a quarter pound and to find out how much it was, and if we could start doing

Haralambus-direct

things.

Q Now, after that conversation did you contact anybody?

A Yes, I got in touch with Mr. Fabella.

Q And did you eventually meet with him?

A Yes. I met with him and at this time he introduced me to Mr. Durso.

Q That would be Leonard Durso?

A Yes.

Q Did you come to know Mr. Durso by another name?

A Yes, Duce, D-u-c-e.

Q Can you tell us what you told him?

A I told him that I was interested in getting a hold of some cocaine, and what the price of it would be and what we could work out.

Q Okay. Who is the person who mentioned the price?

A Mr. Durso.

Q Do you remember what the price was?

A Approximately \$3300.00.

Q That would be \$3300.00 for what amount?

A A quarter pound of coke.

Q Now, at this price what had to be paid?

A Mr. Durso had to pay. He worked out the agreement at cost he was paying, after the coke was cut and sold he would



Haralambus-direct

get his profit.

Q Did he tell you anything as to what you could expect out of it?

A No. I sort of asked him. He wanted the gross out and he said \$1700.00 on his end approximately and whatever else was our profit.

Q By the way, where did this conversation take place?

A Midway Bar.

Q And then after that conversation did Mr. Fabella and Mr. Durso leave?

A Yes.

Q What did you do next relating to the cocaine?

A I went back to my apartment and informed Bebe and Peter that the cocaine cost \$3300.00 and the arrangements I had made for it. And if they had the money, or when they had the money we could get the coke. And I would bring the coke back to my place, and if they didn't like it it would be returned within the hour.

Q Did cousin Peter Mikedes do anything after you told him this?

A Yes, they made a telephone call to Washington.

Q By "they" ?

A Peter and Bebe, they said they wanted to call C.W. up and speak to him about, I guess, about having the money,

Haralambus-direct

I believe, to have the money sent up.

Q Did there come a time when you met C.W. ?

A Later on.

Q Who introduced you?

A Peter.

THE COURT: Who introduced you?

THE WITNESS: Peter.

BY MR. BARLOW: (continuing)

Q Now, do you now know who C.W. is?

A Who it is? It is Chris Williams.

Q Can you point him out and describe what he is wearing now?

A He is sitting over next to the gentleman with the blue suit. He is wearing a Gray suit.

MR. BARLOW: Let the record indicate that he is indicating the Defendant.

MR. KELLY: Yes.

BY MR. BARLOW: (continuing)

Q Before Peter and Bebe called Mr. Williams on the phone, did you have anything to say about the phone call?

A No.

THE COURT: About what?

BY MR. BARLOW: (continuing)

Q About the phone call?



Haralambus-direct

1  
2 A They just asked if they could call Washington, and  
3 I said, "Sure".

4 Q And did you hear your cousin Peter Mikedes and  
5 Bebe Morton their side of the phone conversation?

6 A Yes, I heard the conversation.

7 Q And can you tell us what it was as best you  
8 remember?

9 A They spoke about the rock group and saying it was  
10 a nice rock group and saying it performed well.

11 MR. KELLY: I am going to object. Can we have the  
12 witness indicate who is saying what instead of they.

13 THE COURT: As nearly as you can recall who was  
14 talking on the telephone that you could hear and what?

15 THE WITNESS: As I remember, as I can recall I heard  
16 both of them referring to the rock group.

17 THE COURT: And who are they?

18 THE WITNESS: Peter and Bebe.

19 THE COURT: Talking from your end?

20 THE WITNESS: From my end referring to the rock  
21 group and how well they were going to perform and go  
22 over.

23 BY MR. BARLOW: (continuing)

24 Q Did Peter later tell you what the talk of the  
25 rock group referred to?

Haralambus-direct

1  
2 A Yes. Because I had told them to be careful with my  
3 phone and they said, "Don't worry, we have something worked out.  
4 They won't understand what I am trying to say. They won't  
5 understand what I am trying to say."

6 Q And did he tell you what the rock group referred to?

7 A Yes, the cocaine. It was mostly the rock and he kept  
8 referring to the rock group.

9 Q Now, after the phone call was over, did your cousin  
10 Peter Mikedes tell you anything -- I withdraw that question  
11 and rephrase it.

12 After the telephone call -- During the telephone  
13 did Peter ask you anything?

14 A Where the nearest Western Union Office was.

15 THE COURT: What?

16 THE WITNESS: Where the nearest Western Union Office  
17 was.

18 BY MR. BARLOW: (continuing)

19 Q Did he explain to you either during the phone or  
20 right after why he was asking that?

21 MR. KELLY: I object to the leading question.

22 THE COURT: It doesn't suggest the answer.

23 You may inform us.

24 THE WITNESS: He wanted to know where the Western  
25 Union was so they would have the money needed to purchase the



Haralambus-direct

coke wired to.

BY MR. BARLOW: (continuing)

Q Did you tell them where the nearest office was?

A Yes.

Q Where?

A Hillside Avenue in Jamaica and 179th Street.

Q Did there come a time that you went to the Western Union Office?

A Yes, the following day I believe it was a Saturday.

Q By the way can you fix a time? We will be satisfied relating it to the Christmas of 1973? Can you tell us in relating it to Christmas what Saturday?

A About week following approximately.

Q The Christmas in 1973 fell on a Monday. It would be the next Saturday between Christmas and New Years?

A Yes.

Q Now, the following day you went to the Western Union Office? Did you go by yourself or with other persons?

A I went along with Peter and Carmen. The money had been wired up to Carmen and Peter waited out in the car and I went into the office with Carmen. And she used her passport as an identification. And from the office we proceeded to meet Bebe at a friends house which I had taken him to the night before on Hillside and Jamaica Avenue.

Haralambus-direct

1

2

Q Did Carmen give you the money?

3

A Yes.

4

Q Do you remember where she gave you the money?

5

A In the car.

6

Q And do you remember how much it was?

7

A It was \$3300.00 approximatley.

8

Q And you said you went to this friend's house,

9

that's where Bebe was?

10

A Yes.

11

. He was staying at a friend of his house.

12

Q And what did you do when you got to this friend's

13

house?

14

A I told him that we had picked up the money and that

15

were ready to go back and give them the money and get the

16

coke.

17

Q Did he come with you then?

18

A Yes.

19

Q Where did you go?

20

A To my house.

21

Q Now, what did you do when you go back to your

22

apartment?

23

A I got in touch with Mr. Fabella and Mr. Durso.

24

Q How?

25

A At the Midway Bar. I called them on the phone and



Haralambus-direct

they said to come by the bar, by the bar and to give Mr. Durso the money and I went to the bar and gave them the money and they told me to go home that they would call me in an hour or so. And after he would call for me to return to the bar.

Q You went back to your apartment?

A Yes.

Q And Peter and Carmen and Bebe were still at your apartment?

A Yes

Q After you got back to your apartment did you get a phone call?

A Yes.

Q Who phoned?

A Mr. Durso. And he said to come on down to the bar and meet him. I then went down to the bar and picked up the package of cocaine and took it back to my apartment. And in my apartment we ran some tests to see if it was good.

Q How did you test it?

A We tested it with water and burned some on tin foil and dropped some in Clorox. At this time we weighed out portion to see how much cut was left in and how much percentage wise was cocaine to cut.

Q And how was the quantity of cocaine in comparison

Haralambus-direct

1  
2 with the sample that Mr. Fabella had given you?

3 A It was basically the same, excellent quality.

4 Q After you performed the tests on the cocaine what  
5 did you do with it?

6 A We snorted some, then we gave it to Carmen and  
7 she put the packages on her body, she wrapped them on her  
8 body and we took her to The Eastern Airline Shuttle and  
9 made arrangements for her to get down to Washington.

10 Q When you say, "We"?

11 A Myself, Peter and Bebe.

12 Q And after you dropped her off at the Eastern Airline,  
13 where did you go?

14 A We dropped Mr. Morton off at the American Airline,  
15 he was supposed to take American Airline Down. Then, well,  
16 I left Peter and Bebe and later I had found out from Peter  
17 that instead of taking him to the airline he had taken him  
18 to the Metroline to return to Washington by the Metroline.

19 Q Peter told you that?

20 A Yes, Sir.

21 Q After he dropped Mr. Morton off did Peter return  
22 to your apartment then?

23 A Yes.

24 Q Now, did you have any communications after that  
25 time with Mr. Durso?



Haralambus-direct

1  
2 A Yes.

3 Q Do you remember about how many days elapsed after  
4 Bebe and Carmen had gone to Washington?

5 A About 3 or 4 days. And they were supposed to be back  
6 with enough money to give him his profit and purchase another  
7 package of cocaine.

8 Q And what did he tell you?

9 A That somebody was screwing around and he didn't  
10 like to get beat.

11 Q By the way, where did this conversation take place?

12 A My apartment.

13 Q Did Mr. Durso come by himself, or with Mr.  
14 Fabella?

15 A With Mr. Fabella.

16 Q And after they had told you that, what, if any-  
17 thing, did Peter do?

18 A Peter got on the phone and called Washington up.

19 Q Did he say who he was calling in Washington?

20 A He informed me that he was calling Mr. C.W.

21 Q Excuse me?

22 A C.W. He referred to the person he was calling as  
23 C.W.

24 Q And after the phone conversation did he tell you  
25 what C.W. had told him?

Haralambus-direct

1  
2 A That he had not seen the coke yet and he was  
3 thinking that Carmen might have cut it on her way down to  
4 Washington or Bebe might have did something to the coke, or  
5 something to this effect. And that he didn't even know  
6 what it looked like.

7 Q By the way, did you hear Peter speaking when he  
8 was on the phone to C.W.?

9 A Yes.

10 Q Did he mention the word "cocaine" while he was on  
11 the telephone?

12 A No, he used the word "rock-group" and stuff like  
13 this "the manager on this end is giving us pressure."

14 Q Now, did there come a time when Bebe Morton came  
15 back to New York?

16 A Excuse me?

17 Q Did there come a time when Bebe Morton came back to  
18 New York.

19 A Yes.

20 Q Can you tell us about how many times Mr. Durso  
21 and Mr. Fabella had been at your apartment?

22 A Approximately 2 or 3.

23 Q Do you remember where you met him?

24 A He phoned us at my apartment and told me and Peter  
25 to meet him at The Waterside Towers or Waterside which is



Haralambus-direct

a building on 23rd Street and the East River and to come to a friend his apartment. Betty Gage was her name.

Q And did you there?

A Yes, we did.

Q And who was there when you got to Betty Gage's apartment?

A. Myself, Peter and Bebe.

Q Did he tell you anything about the cocaine at that time?

A He said that somebody was messing around, the same story that Peter had basically told me, he told me basically the same story. But he turned everything around and said he came up with his own money and everything and that he would be able to do something.'

Q Did Mr. Morton indicate what he thought?

A Yes, he said Mr. Williams or Carmen.

THE COURT: Mr. Who?

THE WITNESS: Mr. Williams.

BY MR. BARLOW: (continuing)

Q I think you said that Mr. Morton said he could get some money. Did he tell you how he was going to get that money?

MR. KELLY: I object to the leading, Judge.

THE COURT: No, it doesn't suggest an answer.

Haralambus-direct

THE WITNESS: At this time he said he had approximately, I remember it was seventeen or \$1800.00, that he would drive up to Philadelphia and pick up some pharmaceutical coke and that he would be able to turn immediately in New York and with money purchase other coke.

Q By "turn" you mean sale?

A Sell.

Q Did he leave the apartment?

A Not right away. A friend of his came up who I was introduced as Rick Daniels, and Betty came home and he told her that me and Peter would be there for awhile and that he would be back in a few hours. And him and Rick left and in about five hours they came back with about --

Q Did they leave anything with you?

A Yes, 7 or 8 bottles of pharmaceutical coke and a bottle of Lactose.

Q This is what you use for cutting the pharmaceutical coke?

A Yes. It looks like ice.

Q And did you use sugar to cut the cocaine?

A Yes.

Q Now, if anything, what did you do with that?

A I didn't do anything with him. Mr. Morton got in touch with a few people and proceeded to fill it.



Haralambus-direct

Q Did you wait in the apartment?

A Yes, I was at the apartment. We hung out for awhile. Afterwards he told me he said he had debts to pay here, a mortgage or something on the business that he had and he needed some of the money that he had just made to pay his mortgage. I said, "Alright, it is your money." And did that. And he still had about \$1900.00 left at this time, or about \$1800.00 or somewhere in that neighborhood, and I said, "Well, we need the money if you want to cop the rest of the coke." He said, "Yes." That he would call his wife and she would come up with it and we would have the money to cop the rest of the coke that we were supposed to have to get it.

Q And did he make a phone call?

A Yes. The next day we went to Eastern Airline Shuttle. Mr. Morton and myself went into the terminal and we met his wife. He handed her an envelope and she went into the bathroom and handed it back to him. And he handed it to me. And I said, "I will see you later at the house. And he left and I got in touch with Mr. Durso.

Q Had you opened the envelope by this time?

A Yes.

Q And what was inside?

A Approximately \$3300.00.

Q You say then you got in touch with Mr. Durso?

Haralambus-direct

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25

A Yes.

Q On the phone again?

A Yes.

Q Do you remember where you called?

A At the Midway Bar.

Q What did you tell him?

A That I had the money to cop the coke, the quarter pound of coke as planned, because he was going to collect his profit from the first second pound. When we we sold the second quarter pound he would get his profit out and we would work something out to get more coke.

Q What, if anything did you say about the money that you had, the \$3300.00?

A That it would just pay for the second package.

Q Do you remember where you gave him the money?

A The Midway Bar.

Q The Midway Bar?

A It could have been in or outside on 48th Avenue and 108th Street.

Q Do you remember how many times you met Mr. Durso in the vicinity of the Midway Bar?

A Quite a number of times, 6 or 7.

Q Were there times when you met inside the bar?

A Yes.



Haralambus-direct

1  
2 Q And other times you met on that corner or several  
3 blocks away?

4 A Yes.

5 Q Okay. After you had given the money to Mr. Durso  
6 where did you go?

7 A I went back to my house. He said he would call me  
8 and I would return and pick-up the coke.

9 Q When you got back to the apartment where was your  
10 apartment at the time?

11 A In Corona Queens.

12 Q And when you got back there was anybody in the  
13 apartment?

14 A Yes, Bebe and Peter -- Excuse me. Peter was just  
15 there. And Bebe was waiting in the City at Betty's apartment.  
16 And I left Peter and told Peter to wait for the phone call,  
17 I have something to do, that I will have to go and take care  
18 of and I will be right back.

19 Q Did you go then?

20 A Yes.

21 Q And when you got back to the apartment was Peter  
22 there?

23 A No, he wasn't.

24 Q Had he left anything there?

25 A Yes, there was a note on the refrigerator with the

Haralambus-direct

magnet saying that he had gone to Kew Ninn to see ---

Q To see Mr. Durso?

A Yes.

Q Where did you go then? I withdraw that.

A Did you communicate with anybody after you read the note?

A Yes. I called Mr. Fabella and asked if he had seen Peter. And he said, "No." I told him that I would be right over to his place. I told him that I had read the note. And that Peter had gone to see Leon at the Kew Ninn. I went to pick Mr. Fabella up and we went to the Kew Ninn because Peter was not familiar with the area. Mr. Fabella found out what went on. He called Mr. Durso on the house phone and Mr. Durso indicated that he had seen Peter and everything was okay. Everything had been taken care of.

Q What did you do with the note after you read it?

A I through it away.

Q Did Mr. Fabella tell you at the Kew Ninn where Mr. Durso and Peter might be?

A He said he was returning to my place.

Q And what did you and Mr. Fabella do?

A We got in my car and about five minutes after Peter came.

Q Did he have anything?



Haralambus-direct

1  
2 A Yes, he had the second package of cocaine. And the  
3 quality was a good quality, but there wasn't as many rocks  
4 in this package.

5 Q Did you do any tests of this package?

6 A Yes, just dropped it in water and snorted it and  
7 looked at it visually.

8 Q How much coke was there?

9 A quarter pound.

10 Q Do you have any conversation with Mr. Fabella about  
11 the cocaine then?

12 A No, not that much of a conversation. And we left and  
13 went back to my apartment and got in touch with Mr. Morton  
14 and we proceeded to meet him in the City at Betty Gage's  
15 apartment. And there we tested the cocaine and everybody was  
16 pleased at the quantity, but not pleased at the appearance.

17 Q Was there anything different in the appearance as  
18 to the first quarter pound?

19 A Yes, this was beige color and much damper and more  
20 of powder. There weren't as many rocks as in the other  
21 package.

22 Q Did Mr. Morton say anything at that time about what  
23 to do with the cocaine?

24 MR. KELLY: Judge, could we have an instruction  
25 with respect to this statement that Morton made?

Haralambus-direct

1 THE COURT: Let's find out what the statement is?

2 MR. KELLY: Well, Judge, the statement --

3 THE COURT: Well, I don't think there has been a  
4 connection at this point of the transaction with Mr.  
5 Williams.  
6

7 MR. KELLY: Alright.

8 BY MR. BARLOW: (continuing)

9 Q You may answer that?

10 A Mr. Morton suggested that instead of taking the  
11 cocaine to Washington, to do a quick turn around in New York.  
12 And he asked if anybody knew of anybody who wanted it off  
13 hand in the City. And then he said he knew of some people  
14 Uptown in Harlem.

15 Q Just to break in, the quick turn around, what does  
16 that mean?

17 A To get rid of it in an hour or two.

18 Q Getting rid of it meant using or selling it or  
19 what?

20 A Selling it.

21 Q Did you go to Harlem at some place?

22 A Yes. Later that evening we went Uptown at approxi-  
23 mately 139th Street. I believe it was on the Westside. We  
24 went to this woman apartment named Pearl, or he introduced  
25 her as Pearl. And there was myself, and Peter, Rick Daniels



Haralambus-direct

1  
2 and Bebe, Mr. Morton. She looked at the coke and tested it  
3 and he asked Pearl if she could probably get rid of it out  
4 on the streets here. There was only one thing wrong and  
5 that was that there was too many rocks. At this time me and  
6 Peter left and told Bebe we would be in touch with him in a  
7 day or so. And asked if there was anything we could do, and  
8 he said, No, he would take care of it.

9 Q Can you tell us what is the importance of the size  
10 the rock has?

11 A Cocaine usually when it is made it is usually  
12 pressured into rock at the factory. And the more rock the  
13 purer the coke. You have to cut it, usually it is the  
14 powder, and you usually break down some of the rock to mix  
15 with the cut.

16 Q How long was it that you left the cocaine with  
17 Pearl.

18 A I believe me and Peter left and Rick and Bebe and  
19 Pearl stayed. And when we saw Bebe in about two days he  
20 said they couldn't do anything with the coke. They still  
21 had the package. Peter took it to see if we could give it  
22 back, and I said, "I don't think so. We had better take it to  
23 Washington and get rid of it down there."

24 Q After you had heard that conversation did you  
25 communicate with anybody about taking it back?



Haralambus-direct

1  
2 A I just got in touch with Mr. Durso.

3 Q And what did you tell him?

4 A I said I would like to talk to you. And he said  
5 to meet him over at Richard's apartment. When he came Peter  
6 showed him the quarter --

7 Q And who was there at Richard apartment?

8 A Myself, Peter, Mr. Durso, and Mr. abella.

9 Q Okay. You say Peter showed it to him?

10 A And Mr. Durso got upset and struck Peter.

11 Q Did he say why he hit him?

12 A Excuse me?

13 Q By the way, did he hit him with an open hand, or  
14 fist?

15 A A fist punch in the face.

16 Q Did he say why he hit him?

17 A That someone was screwing around and he wanted to  
18 get his money, his profit. That he wanted things to get  
19 straightened out. I told him I would take the responsibility  
20 on everything and I would get it straightened out. And I  
21 would be in touch with him in two or three days or so.

22 Q Then did you and Peter leave?

23 A Yes, we did.

24 Q Do you remember where you went?

25 A We went to Betty's apartment.

Haralambus-direct

1  
2 Q Who was there at Betty's apartment?

3 A Bebe and Rick were there. I spoke to Bebe and  
4 he said, well, at this time he knew some people that he  
5 could get rid of it. But that we would have to cut it up to  
6 get rid of it out on the streets. We went over to Rick's  
7 apartment and broke the coke down and cut it and Bebe said  
8 that he would get rid of it after the cut and to put it in  
9 small packages, quarter ounces and half ounces and that he  
10 would be able to get rid of it. I left him with the coke,  
11 and said, okay, I am going back to my apartment until Mr.  
12 Durso gets in touch with me two or three days, and that was  
13 it.

14 Q Did you ever hear from Bebe again, or Mr. Morton?

15 A No, Sir.

16 Q Now, during the months of February and March, 1974,  
17 did you have any communication with Mr. Durso?

18 A No. I was avoiding him because he felt that he was  
19 owed about \$3400.00, and he felt that we were trying to  
20 screw him out of the money. And he is the type of person you  
21 can't even sit down and talk to. So I just avoided him for  
22 a couple of months.

23 Q Do you know a man named Nicholas Panda, P-a-n-d-a,  
24 think?

25 A Yes.



Haralambus-direct

1  
2 Q How long have you known him?

3 A Quite a long time.

4 Q Did there come a time early in April, 1974, that  
5 you had a conversation with him?

6 A Yes.

7 Q Can you tell us what that was, or what did he tell  
8 you?

9 A He said he was over to my place and Leonard had come  
10 by, Mr. Durso, and that he gave him a phone number and said  
11 that I should call him and we could sit down and discuss  
12 it and possibly he could help me out.

13 Q By the way, going back again, going to February  
14 and March of 1974, did you have any conversation with your  
15 cousin Peter Mikedes?

16 A No.

17 Q Did you make any phone calls to Washington during  
18 that time?

19 A Yes, a few.

20 Q Who were they to?

21 A They were to Peter. He was never home. He was  
22 out. I didn't have no way of telling him to call me back so  
23 I never did get in touch with him.

24 Q Okay. After this conversation with Mr. Panda, what  
25 did you do?

Haralambus-direct

1  
2 A I called Mr. Durso.

3 Q Where did you call him?

4 A At the Midway Bar.

5 Q What did he say?

6 A He said, "Why don't you come out and meet me?" I  
7 said, "Alright, I will be over in half an hour." And I pro-  
8 ceeded and met him at the Midway Bar, and he said, "Let's go  
9 someplace where we can talk." We went to the World's Fair Park-  
10 ing Lot by the Hall of Science. That's when he informed me,  
11 "Look, I don't know what went down with the last two deals,  
12 but now I am in a position where we can give you coke on a con-  
13 signment as much as you want." And he said, if I screw him  
14 there is no place that I will be able to hid. And he said,  
15 "But with this I can help you get yourself out of debt." And  
16 I said, "Okay, fine." And I made arrangements to take a  
17 quarter pound of coke as a start.

18 Q At that time did you tell him how you were going to  
19 attempt to get rid of it?

20 A He told me he didn't want me to get rid of it in  
21 New York. He had a lot of people up here. And he said, "I  
22 would rather see you get rid of it out of state." I said,  
23 "Okay, fine."

24 Q Did he tell you why he didn't want you to get rid of  
25 it here?

A No, he didn't say why.



Haralambus-direct

Q Go on? He said to get rid of it someplace else.  
Did he say anything also about how to do it?

A He said that he would start me, or front me with a quarter pound. And he was going to build it up to a quarter, or a key or two keys.

Q By fronting, what does that mean?

A Getting it on consignment. You get the coke and when you get the money you pay for it.

THE COURT: This is a good place for a short recess.

Please, do not discuss this case with one another among the jurors until given to you to decide.

(Whereupon Court recessed for a few minutes.)

MR. BARLOW: Mr. Kelly is in The Court Room, and I would like the record to reflect that so we can say, if I am saying anything wrong, he can disagree, that there is 3500 materials that I will just put on record the fact that they are from the prior trial in November of '75. Mr. Haralambus testimony of December 16, 1975, and January 6, '75. For hand written multi-page collection of the notes written by Mr. Haralambus.

A statement from Mr. Haralambus when he was still registered as an informant of DEACEDEA, SC dated November 4, 1974.

And the second statement states that when he was registered as an informant of August 12, 1974.

Haralambus-direct

Both of these statements were given to the D.E.A. and two  
F.B.I. 302 S1 dated March 4, 1974, consisting of eight  
pages.

And the second 302 dated 5-20-75, consisting of  
seven pages given to The F.B.I.

And we turned over the two 302's to the F.B.I.,  
and it is not 3500 material. Actually the first one is  
possibly 3500 material concerning Mr. Haralambus' cooperation  
with The F.B.I. on the drug case in which he had been  
indicted and dismissed. And the second reflecting a search  
on this material his Marine Corp Personnel File. Mr. Kelly  
also has a copy of the transcript of the first trial in this  
case in July, '75, when Mr. Durso, Mr. Fabella, and Mr.  
Morton were on trial. And I have back in my office and will  
make available to Mr. Kelly, if he wants it for cross-  
examination Harry Haralambus' testimony of November of Mr.  
Williams' first trial.

And finally the only thing left is the typed series  
of notes given by Mr. Haralambus to Ms. Katz consisting of  
eight pages.

THE CLERK: Exhibit 3500-1.

MR. KELLY: I have received all of these material  
Your Honor.

MR. BARLOW: I am sorry, one of the other things on



Haralambus-direct

record is Brady material. I think Mr. Kelly also has the two page copy of Mr. Haralambus' record of arrest from the F.B.I.

MR. KELLY: Yes, I have that.

MR. BARLOW: That should do it for our business outside the Jury's presence, Your Honor.

Your Honor, also for the record, I am going to be introducing a check signed by Mr. Haralambus and since it was entered into evidence of the first trial, it may be able to put the sticker over this (indicating) so that we will have just Mr. Walsh mark that.

THE COURT: Bring in the Jury.

(Whereupon the Jury was seated in the Jury Box.)

BY MR. BARLOW: (continuing)

Q Mr. Haralambus, after you talked to Mr. Durso in the parking lot of the World's Fair did you eventually receive some cocaine?

A Yes. He directed me to go home and wait for his call. And he called me in a day or so and he gave me a quarter pound of coke.

Q Do you remember where gave it to you, Sir?

A At The Midway Bar. And he told me he would like to see me in a week. I said, "Okay, fine, that is enough time

Haralambus-direct

for me to do what I have to do."

Q And after you left him, what did you do with the cocaine, Sir?

A I took the coke, I had phoned Peter in Washington that I was coming down with the coke, and he said, "Okay." And I put it on my person.

THE COURT: Put it on what?

THE WITNESS: My body, strapped it to my body. And

I flew down to D.C. on the A.L. Shuttle.

BY MR. BARLOW: (continuing)

Q Do you remember where you went when you went to Washington this time?

A Yes. I stayed with some friends and I had taken the coke and put it outside their house.

Q Did you have any communication with Peter when you got down there?

A Yes.

Q Can you tell us what that was?

A We talked about getting rid of the coke down in the Washington area, Maryland and Virginia. And he said there would be no problem. He knew a few people who were interested. So I said, "Okay, fine." We went out that night and we went to Pier 1.

Q What is that?



Haralambus-direct

1  
2 A. A bar or night club.

3 Q Can you tell us what happened there?

4 A I was at the bar having a drink and this fellow  
5 picked up my drink and started drinking it. I said, "What  
6 are you doing?" And he said, "I thought it was my drink."  
7 He was drinking and asked me if I was drinking Rum and Coke also.  
8 And I said, "No." He said, "Well, why don't you come to the  
9 bathroom if you want to snort some coke." And I said, "Sure."  
10 After we went in the back and snorted the coke, and I asked  
11 him if he would be interested in purchasing any coke. And  
12 he said, "Sure." And I went and got an ounce of the coke and  
13 he checked it out in his apartment and he liked it and he  
14 purchased that ounce. After that I returned home and then  
15 the next day me and Peter had gone out to see some people that  
16 he knew in the Washington area that should be interested in  
17 the coke.. That is when we ran into Mr. Williams.

18 Q Do you recall where you ran into him?

19 A the streets. He was in a Chevrolet Stationwagon.

20 Q And You and Peter were on the streets or in a car?

21 A Just driving in the car, Peter's car.

22 Q And who saw Mr. Williams' car?

23 A Peter.

24 Q At that time did you know Mr. Williams' name?

25 A No, not at that time.

Haralambus-direct

1  
2 Q After Mr. Mikedes saw the car, what did he do?

3 A He introduced me to Mr. Williams.

4 Q Well, evidently he stopped the car and got out and  
5 talked to him?

6 A He stopped the car and got out and talked to him,  
7 yes.

8 Q And he introduced you to Mr. Williams?

9 A Yes.

10 Q Do you remember how he introduced you to Mr. Williams?

11 A As Harold his cousin.

12 Q And how were you introduced to the Defendant?

13 A He said, "This is Chris." And I said, "Fine."  
14 He said, "C.W., who I call C.W." And I said, "Oh." And we  
15 informed, or Peter informed him that we had cocaine. And he  
16 said, "Why don't you meet me at my house and we can talk."

17 Q And this is cocaine you had at that time?

18 A Yes.

19 Q Was there any discussion about any other cocaine?

20 A Yes, we talked about the first two times with Peter  
21 and Bebe.

22 Q And, what, if anything, did Mr. Williams say about  
23 that?

24 A That he didn't know what went down and everything.  
25 That Bebe was supposed to take care of everything. And that



Haralambus-direct

he didn't know what had gone.

THE COURT: That what?

THE WITNESS: What had happened.

BY MR. BARLOW: (Continuing)

Q Did he indicate what he had done with it?

A No. He said he didn't even see the first package.  
He didn't touch it.

Q How about the second?

A No, he didn't see the second.

Q Alright. After you had this conversation, where  
did you go?

A Well, when we had this discussion we were at  
Mr. Williams' home.

Q Do you remember where his home was?

A In Washington, D.C.

Q Was it a house or an apartment?

A An apartment building.

Q Can you describe the apartment building?

A A big apartment building, tremendous, and had a  
garage in the back and Chris lived on the top floor.

Q Can you describe his apartment?

A A nice apartment. It had plenty of windows, a few  
plants, one or two bedrooms, a living room, kitchen and the  
porch.

Q When you were at his apartment who was there with you?

Haralambus-direct

1  
2 A Peter.

3 Q Mr. Williams was there also?

4 A Yes, and Mr. Williams.

5 Q Did you have anything with you when you went to the  
6 apartment?

7 A Yes. At this time I had pick-up the rest of the  
8 cocaine that we had. We had two ounces with us -- I forget  
9 how much exactly we had with us.

10 THE COURT: How much was left?

11 THE WITNESS: I said I didn't know exactly how much  
12 we had with us. I don't know exactly how much we had  
13 with us. But we had at least two ounces of coke with  
14 us. We showed it to Mr. Williams and he said that he  
15 would be interested and he would see what he could do  
16 with it. And I believe at that time he gave us some  
17 money for the coke, and we left it with him and said  
18 we would be up to see him later that evening.

19 BY MR. BARLOW: (continuing)

20 Q Did he do anything to the cocaine at that time?

21 A He tasted it, snorted it and looked at it in the  
22 bag.

23 Q After he had done --

24 A He may have dropped it in water, I don't quite  
25 remember.



Haralambus-direct

1  
2 Q After he had done that to the cocaine did he say  
3 anything about the cocaine?

4 A He commented that it was pretty good. He didn't say  
5 that it was the best in the world. But this package wasn't  
6 as good as the first two that we recieved.

7 Q And you knew that from the tests that you had  
8 performed?

9 A Yes.

10 THE COURT: Now, what time was this? I mean what  
11 month, and year?

12 THE WITNESS: You are asking me, Sir.

13 THE COURT: Yes.

14 THE WITNESS: I would say April.

15 BY MR. BARLOW: (continuing)

16 Q Is there any event that you can relate this trip to?

17 A Possibly Easter in that period. The last two weeks  
18 in April, or around that time.

19 Q So that Easter fell in April, '74, it would be  
20 around that time?

21 A Yes.

22 Q Okay. Did you and Peter leave Mr. Williams' apartment?

23 A Yes.

24 Q Did you leave anything behind?

25 A The cocaine.

Haralambus-direct

1  
2 Q Did you make future arrangements with Mr. Williams  
3 at that time?

4 A We were supposed to pick-up some more money from  
5 him and we did inform him that we could get all the coke we  
6 wanted fronted to us, or that I could, and, you know, we  
7 possibly could get a good thing going. Bound there from New  
8 York to D.C. And he said, you know, that he would be  
9 interested.

10 Q Now, did you stay in Washington at this time or --

11 A I stayed in Washington for a few more days and  
12 collected most of the money for the coke. I was short about  
13 \$500.00.

14 Q From whom did you collect the money?

15 A Mr. Williams.

16 Q Do you remember where you saw him to collect the  
17 money?

18 A At his apartment.

19 Q After you got the money from him what did you do?

20 A I flew back to New York and got in touch with Mr.  
21 Durso.

22 Q This was again by telephone?

23 A Yes. When I met him I gave him the money. He was  
24 short \$500.00 for the first quarter. He took a ride over to  
25 Brooklyn and he said he had to go and see somebody and he



Haralambus-direct

dropped me off at King Plaza Shopping Center to wait for him. He returned about a half an hour or so and he wasn't upset at all. He said that was alright. I guess he was quite use to doing this. He wanted me to talk to him. And I guess this guy had given him more cocaine, I believe a quarter pound and a half, I don't exactly know what it was.

Q Did Mr. Durso ever tell you where he was getting the cocaine from? Did he ever tell you?

A No, not directly.

Q Did Mr. Fabella tell you where they were getting it from?

A No.

Q After he had left you off at the shopping plaza and you back, what did he tell you?

A That he had more coke for me, not to worry about the \$500.00 that I was short on the money that I owed, that I would make it up on the next sale, no big thing. And how much time did I need for the next package. It might have been half a pound or a quarter of a pound, I don't remember exactly the quantity. And I said about a week or so. And he made arrangements to see me in a week or eight days. And then I proceeded to, I went back to my house and called Wasington up and got in touch with Peter and told him I was coming back. And I flew back down to Washington, or I took the Metroline,

Haralambus-direct

I don't remember this. I either flew or took the Metroline down

Q By the way, how often did you go down to Washington during '73 and '74?

A Quite a few times.

Q How would you go? What sort of transportation would you use?

A I took the Eastern Airline Shuttle or the American Airline. If I didn't fly I would take the Metroline, or go by my own car.

Q At this time when you got down to Washington did you contact anybody?

A Yes, well, Peter. We got in touch with Mr. Williams.

Q That was again by phone?

A Yes.

Q And again where did you see him?

A In his apartment.

Q Did you bring anything with you?

A Coke.

Q What, if anything did he do?

A He looked at it and snorted some and commented on the quantity. And he took some of it and said he would aid us in getting rid of some. And then I left with Peter. And we went back later that evening, or the next day, I don't remember exactly when, and picked-up the money he had for us



Hara' ambus-direct

and left.

Q Do you remember how much money he had this time?

A I believe he had the money that was short from the last time, plus the money for this package.

Q And how much did that add up to?

A I don't remember exactly.

Q Do you remember testify before? Would the testimony refresh your recollections at all?

A Yes.

Q Just for the purpose of refreshing your recollection, I am showing you page 133 from July 15. Just read that to yourself, not aloud, please, line 13?

A Yes. This --

Q Don't tell me anything.

A Yes.

Q Does that refresh your recollection as to how much money the addition of those two were?

A Yes. That was another transaction that I handled. That was a transaction on half a key of coke. That was the transaction on a half a kilo of cocaine, 17 ounces. I remember the date as -- June 19, that's when Paul --

Q Excuse me?

A Had come back from Israel.

Q That is not what we are talking about right now in

Haralambus-direct

chronological sequence.

A Right.

Q But this time he did give you some money?

A Yes.

Q What did you do with the money?

A I returned to New York and gave it to Mr. Durso. And he said, "Okay. Everything is going smooth." He said, "I got a key for you, but I am only giving you half at a time to start with."

Q By a half?

A 17 ounces.

Q 17 ounces would be a half of what?

A A kilo.

Q That would be a kilogram?

A Yes.

Q Half of a kilogram?

A Right.

Q After Mr. Durso told you that he would have it available, what did you do? Where did you go?

A I looked at the coke by it's appearance I didn't like it. And I thought it was cut. I told Mr. Durso, and he got upset. And he said he wanted all of his money that I owed for the first transaction of Bebe. And that he was upset. And then I called Chris up and I sort of described how the



Haralambus-direct

1  
2 coke had looked over the telephone to him. And he --

3 Q How did you get Mr. Williams' telephone number,  
4 Sir?

5 A He gave it to me.

6 Q Continue?

7 A He told me there wasn't much coke in the D.C. area,  
8 and that he would take the coke. That I should take the  
9 package. I said, "Fine." Then I made arrangements for him  
10 to pick me up at the airport. And I took the shuttle of  
11 American Airline flight.

12 Q Do you remember how you paid for that flight?

13 A With a check.

14 Q I show you Government's Exhibit 1 for identification  
15 can you identify that, Sir?

16 A Yes, this is one of the checks that I used for that  
17 flight. If you can tell me the date, it is one of the checks  
18 that I used to fly down to Washington with.

19 Q You said you flew down about June 19?

20 A Yes.

21 Q Had you taken Eastern Airline flight at any time  
22 during the prior week?

23 A Yes, that was probably a return flight or a flight  
24 going down.

25 Q And this was a prior trip and it would have been

Haralambus-direct

for what?

A To bring money to Mr. Durso. This was right before the transaction went down to pick-up the key.

Q And this is your check signed by you?

A Yes, it is.

MR. BARLOW: Your Honor, I would ask that be admitted into evidence.

MR. KELLY: No objection.

THE COURT: Received.

THE CLERK: Government's Exhibit 1 received in evidence.

(Marked)

MR. BARLOW: Your Honor, may I read the check to Jury.

THE COURT: Yes.

MR. BARLOW: The check is a drawn check on the Chase Manhattan Bank. On the top is Harold Haralambus and T9-01 42nd. Strret, New York. It is dated June 15, '74, payable to the order of Eastern Airlines and it is the amount of \$29.64. And it is signed by Harold H Haralambus. And on the back of the endorsement it shows deposited to the credit of Eastern Airlines National. And on the front it has a pay stamp and it is dated June 14, 1974 from the Chase Manhattan Bank.



Haralambus-direct

(continuing)

Q You said you flew down June 19?

A Yes.

Q Before you flew down that day did you meet with anybody?

A Yes, I met Mr. Durso and pick-up the coke and then I went over to a friend's, Dean's house for awhile before I

Q What is his last name?

A Varvaritous

Q Who was at Mr. Varvaritous' apartment?

A Myself, Mr. Varvaritous, a girl that lives with him, and then afterwards there was Paul Rudinsky who had returned from Israel.

Q What is his last name?

A Rudinsky.

Q And what happened then in Mr. Varvaritous' apartment?

A I was happy to see Paul and turned him on with some coke. And I said, "Well, you came just in time. Would you drive me to the airport I have to catch I believe the 6th. or 7th. flight, and you can keep my car for a couple of days until I come back." And him and myself went to the airport I believe.

Q Just to be sure, had you called anybody in Washington before you took the flight?

## Haralambus-direct

1  
2 A Yes. I had called Chris and he said that he would  
3 pick me up in Washington at the airport later that evening.

4 Q Was he there at the international airport when you  
5 got there?

6 A Yes, he was.

7 Q And where did he take you after you got there?

8 A He took me to a friend of his own, or apartment  
9 and introduced me to the fellow named Tom who said he would  
10 be interested in doing a quantity of coke. He inspected the  
11 coke and I heard their opinions on it..

12 Q What did Mr. Williams say?

13 A Excuse me.

14 Q What did Mr. Williams say about the quality?

15 A It was a fair quality, and there would be no  
16 trouble getting rid of it. Everything would be pretty smooth,  
17 and we would be able to do it. So I went and stayed with some  
18 friends and met Mr. Williams the next day at his apartment.  
19 And he said he had some grass, approximatley 45 or 50 pounds  
20 and he suggested I take the grass and get rid of it in New  
21 York, and that I would take the money and pay for the coke.

22 Q Did he give you any money in addition to the grass?

23 A I believe one or \$2,000.00, not a substantial  
24 amount.

25 Q Did you take the pot back to New York?



Hatalambus-direct

1  
2 A Yes.

3 Q Were you able to sell it?

4 A Yes.

5 Q Did you get in contact with Mr. Durso after you  
6 sold it?

7 A Yes.

8 Q Then did you meet him?

9 A Yes. I met him and he said, "What are you doing  
10 back so early?" I said, well, I have some money, and I don't  
11 want to be holding on to it for a week or so, I would rather  
12 give you this, and when am I supposed to have the rest of the  
13 money?" He said, "Okay, fine." I gave him between seven  
14 and \$9,000.00 or maybe more, maybe \$12,000.00 approximatley.

15 Q And how much money did you owe him at that time?

16 A \$17,000.00 for the half key.

17 Q Did you tell anything about the money that was still  
18 owed at that time?

19 A I said I still had some money coming in. I said,  
20 "You told me to get rid of most of it right away." I didn't  
21 tell him that I took the grass in exchange. I think that  
22 would have upset him. I wanted to give him this amount and  
23 I would have the rest you know, when I was due to give him  
24 the rest of the money. And he said, "No problem."

25 Q After that conversation do you remember where you

Haralambus-direct

1  
2 went ?

3           A     I went back to my home. Then I made arrangements to  
4 get back down to Washington. I believe I drove down this time  
5 with my friend Paul. And I went and saw Mr. Williams and he  
6 said that he didn't have any money right now, or if he did  
7 have any money it was very little, and to see him later that  
8 evening. I went back and he wasn't in. After that I had a  
9 hard time getting in touch with him. But I did see him and  
10 he said somebody in Richmond, I believe, had met or owed him  
11 a lot of money on the coke and as soon as he got it he would  
12 get it to me. And I believe that was one of the last times  
13 I saw Mr. Williams.

14           Q     That was the last time you saw? Did you talk to  
15 him on the telephone later?

16           A     Possibly one or two times or three times I talked  
17 to him on the telephone after that.

18           Q     And what, if anything did you say to him during  
19 those telephone conversations?

20           A     That I was being pressured for the money and the  
21 people that I owed the money to weren't people to fool  
22 around with.

23           Q     And what was his response?

24           A     He was doing everything he could to get it. And  
25 that he wasn't responsible to other people. I said to him,



Haralambus-direct

"I know, and I am left in the middle and I don't want to be left in the middle. These are heavy people I am dealing with."

Q Did you ever get any more money back from Mr. Williams?

A No.

Q Did you pay any more money to Mr. Durso?

A Yes. One time he came back to my home and threatened the girl that I was living with. And I went up to the bar and gave him \$500.00 and told him I would get the rest of the money after the week-end was over. He said, "Alright, you had better have it."

MR. BARLOW: I have no further questions, Your Honor.

THE COURT: Mr. Kelly.

CROSS-EXAMINATION

BY MR. KELLY:

Q Now, Mr. Haralambus, I think you indicated that you are employed at the present time laying tile, is that right?

A Yes.

Q Are you self employed, or do you work for some firm?

A Self employed.

Q How long have you been doing that type of business?

Haralambus-cross

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A Oh, for about 2 or 3 months now.

Q What sort of work did you do before that?

A I was a mechanic.

Q How long were you a mechanic?

A About nine years. I had my own business.

Q Was that a gas station of some sort?

A Yes, a gas station.

Q Are you married?

A Yes.

Q Are you living with your wife?

A Yes.

Q Do you have any children?

A No.

Q How much education have you had Mr. Haralambus?

A I finished high school.

Q Did you go any further after high school?

A To college, but then I dropped out to go into  
business.

Q What college did you go to?

A Queens College.

Q Queens College?

A Yes.

Q How long did you go there?

A About two months.



Haralambus-cross

1  
2 Q You are not a Defendant in this case, or you Mr.  
3 Haralambus?

4 A No.

5 Q And yet by your own testimony you were dealing in  
6 narcotics transactions?

7 A Yes.

8 Q And you knew at the time they were illegal transactions.  
9 Those things you testified to?

10 A Yes.

11 Q Now, you told us a lot about testing drugs, and how  
12 to cut them and how to test them to see what it was like, and  
13 how you used water and Clorox, do you recall that?

14 A Yes.

15 Q Did you pick up that information, because over the  
16 years prior to this time to which you have given testimony,  
17 you were using drugs?

18 A Yes.

19 Q How long prior to the time of these incidents that  
20 you have just testified to had you been using drugs?

21 A I don't remember exactly.

22 Q Well, was it 1 year or 2 years?

23 A No, more than that. Quite awhile. I can't say  
24 exactly how long. 4 years, 5 years maybe. Maybe more or less,  
25 I don't know.

Haralambus-cross

1  
2 Q You started using drugs when you were in the service,  
3 isn't that right?

4 A Yes.

5 Q When was the last time you used drugs, Mr. Haralambus?

6 A Quite awhile ago.

7 Q How long ago was that?

8 A A year and a half.

9 Q What did you use a year and a half ago?

10 A I felt like getting high?

11 Q I said what did you use?

12 A Pot.

13 Q Pot?

14 A Yes.

15 Q When was the last time you used cocaine?

16 A Quite awhile.

17 Q How long is quite awhile.?

18 A I don't remember exactly.

19 Q Two years, or one year?

20 A Maybe a year and a half.

21 Q Did you use drugs after the incident to which you  
22 have given testimony to here today?

23 A No.

24 Q That was the end of your use of drugs, is it, these  
25 experiences that you had?



Haralambus-cross

A Yes.

Q You say approximatley?

A Yes.

Q Did you say approximatley?

A Yes.

Q Now, you started to use drugs, you said, in the services, is that right?

A Yes.

Q What service were you in?

A Marine Corp.

Q When did you enter the Marine Corp?

A '65, I believe, or '66.

MR. KELLY: Could we have this marked?

THE CLERK:: Marked for indentification as  
Defendant Exhibit A.

(Marked)

BY MR. KELLY: (continuing)

Q Can you identify Defendant's Exhibit A, Mr. Haralambus? Well, there at the bottom of page 2 which happens to be the first page, there is a name there, do you see that? Whose name is at the lower lefthand corner?

A Here? (Indicating)

Q Yes.

A Kenneth Thompson.

Haralambus-cross

1  
2 Q Kenneth Thompson?

3 A Yes.

4 Q Looking at the first line on page 2, can you identify  
5 that document? Look at the first page, the very first line?

6 A Yes. It is my Marine Corp Service Record, Personal  
7 File.

8 Q Does that refresh your recollection? If you will  
9 look at the second paragraph as to when you went on duty for  
10 the United States Marine Corp?

11 A January 26, 1966.

12 Q I am just asking you, does that refresh your  
13 recollection? I don't want you to read from it?

14 A Yes.

15 Q It does?

16 A Yes.

17 Q Now, shortly after you went into the Marine Corp,  
18 you started to have some difficulties, isn't that right?

19 A Yes.

20 Q And do you recall some time in May of 1966 talking  
21 to a psychiatrist?

22 A Yes.

23 Q After you came home from your first leave?

24 A Yes.

25 Q Do you recall the name of the psychiatrist?



Haralambus-cross

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A No.

Q Would you look at page 6 and the first paragraph and read that to yourself and see if that refreshes your recollections? The first paragraph on page 6? Does that refresh your recollections as to who the psychiatrist was?

A I don't remember his name.

Q Lieutenant Edwardson?

A I can't tell you.

Q It doesn't refresh your memory?

THE COURT: That doesn't refresh your memory as to the name?

THE WITNESS: Not as to the name.

BY MR. KELLY: (Continuing)

Q Well, at any rate, do you recall telling this psychiatrist when you got back from your first leave that you were nervous and you were irritable and you were feeling depressed after you returned?

A Yes.

Q Do you remember telling him that?

A Yes.

Q Do you recall telling him that you had some financial problems at home which concerned you greatly?

A Yes.

Q Did you tell him that you had become increasingly

1 Haralambus-cross

2 depressed and withdrawn about those problems?

3 A Yes.

4 MR. BARLOW: Objection, Your Honor. Can we have a  
5 short side bar, please.

6 THE COURT: Yes.

7 (Whereupon, counsel, and the Court Reporter  
8 conferred with The Court, as follows:)

9 MR. BARLOW: Your Honor, I am objecting on the terms  
10 of relevancy for this reason. The events that Mr. Kelly  
11 is questioning Mr. Haralambus about right now are 1966.  
12 However, after speaking with the psychiatrist he served  
13 in Vietnam and he was Dishonorably Discharged.

14 THE COURT: Dishonorably, or Honorably?

15 MR. BARLOW: Honorably. Although with the notation  
16 that he was unsuitable for the civilian status. However,  
17 the real basis for my objections is that the last notations  
18 from the Marine Corp. Personnel occurred sometime around  
19 '68 or '69. And I am just wondering what connections  
20 this has with Mr. Haralambus' mental state either in  
21 1973, or '74 that he has testified to about now. There  
22 is a sizable amount of time that intervened..

23 MR. KELLY: Well, Judge, the report indicates, and  
24 it was turned over to me as Brady material that Mr.  
25 Haralambus had severe psychiatric problems when he was



## Haralambus-cross

1  
2 in the service which were aggravated by his use of drugs,  
3 LSD and STP and hallucinagetic drugs. One of these problems  
4 that Mr. Haralambus experienced during the time that he  
5 was in the service was that he heard voices. That he  
6 could close his eyes and hear voices. I am trying to  
7 lay a foundation for his psychiatric background to  
8 suggest to the Jury that, and perhaps I will have to  
9 elicit it from him in cross-examination; but perhaps  
10 there is some continuance of that problem, and that Mr.  
11 haralambus still has a carry over of that problem and  
12 is hearing voices which is leading him to fabricate --

13 THE COURT: Leading him to what?

14 MR. KELLY: To fabricate some of the things he is  
15 now saying about the Defendant.

16 THE COURT: I think it is fair. It seems to me it  
17 has some relevance here on the general question of what  
18 you might call untrustworthiness of his mentality  
19 q testimoney here is fuzzy and inexact in places and  
20 confused as to dates. And to some extents even  
21 personalities as I hear it. I think perhaps that it is  
22 important for the Jury to know that possibly that some  
23 of this is not conscience fabrication, but history of  
24 mental problems, perhaps can be thought not totally to  
25 be clear.

Haralambus-cross

1  
2 THE COURT: But you can't produce anyone to say so.  
3 I am not sure that he is not a hallucinatory person.  
4 You can continue this line of questioning, but don't  
5 beat it to death.

6 (Whereupon counsel returned to their seats at  
7 Counsel table, and the trial resumed, as follows:)

8 BY MR. KELLY: (continuing)

9 Q Now, do you recall telling the psychiatrist, and if  
10 you don't recall perhaps the document before you can refresh  
11 your recollection; but do you recall telling the psychiatrist  
12 that you were, because of these depressions that you had and  
13 soforth, you were ignoring orders from superiors, and you  
14 were staring off into space and looking at the ocean?

15 A Yes.

16 Q You told him that you felt like exploding at times?

17 A Yes.

18 Q And you were moody and irritable and you didn't  
19 know the reasons for that; is that true? Did you tell him  
20 that?

21 A Yes.

22 Q And you had nightmares at that time which you felt  
23 you were carrying a heavy object and it was getting heavier  
24 all the time?

25 A Yes.



Haralambus-cross

1  
2 Q Do you recall telling the psychiatrist about some  
3 of the difficulties you had in high school with teachers?

4 A Yes.

5 Q What was some of things?

6 A I don't like authority.

7 Q What were some of the problems that arose as a result  
8 with that problem with authority?

9 A I always got into trouble.

10 Q Pardon me?

11 A I got into trouble.

12 Q Trouble?

13 A When I was back in high school.

14 Q And you told him that one of things that you didn't  
15 like about the Marine Corp was the petty harassments that  
16 took place all the time. Some times you felt like a robot?

17 A Yes.

18 Q And did the doctor prescribed some medication for  
19 you at that time?

20 A Yes.

21 Q Do you recall the medication that he prescribed?

22 A Thorazine.

23 Q Do you recall how much thorazine he gave you? Do  
24 you know if it was a large dose, or small dose of thorazine?

25 A I don't remember.

Haralambus-cross

1  
2 Q Do you recall anything the psychiatrist told you  
3 at the end of the conversation that you had with him about  
4 what laid in store for you in the Marine Corp?

5 A No.

6 He just told me that he was going to recommend a  
7 discharge.

8 Q Were you actually discharged at that time?

9 A No.

10 Q What happened after you did your basic training?  
11 Did you go overseas?

12 A Yes.

13 Q Where did you serve?

14 A Vietnam.

15 Q What did you do in Vietnam? Did you see combat  
16 there?

17 A Yes.

18 Q Were you wounded?

19 A No.

20 Q Then you came back to The United States, is that  
21 correct?

22 A Yes.

23 Q And you were stationed in The States?

24 A Yes.

25 Q While you were in service in Vietnam did you become



Haralambus-cross

involved in the use of drugs there?

A Yes.

Q What sort of drugs?

A Pot, and opium.

Q Anything else?

A Anything else they had over there.

Q What else did you do?

A I don't recall.

Q Did they have LSD, STP, or any hallucinogenic drugs?

A No.

Q What was the main drug you used in Vietnam?

A Pot and opium.

Q Did you become addicted to opium or both at that time?

A No.

Q Do you recall when you were discharged from the Marine Corp?

A Yes.

Q When was that?

A September 6th -- Wait a minute. September 20, 1968.

THE COURT: '68?

THE WITNESS: Yes.

BY MR. KELLY: (continuing)

Q You looked at page 3 of that document and refreshed

Haralambus-cross

your recollection on the date on which you were discharged?

A Yes.

Q And what was the nature of the discharge, Mr. Haralambus?

A A General Discharge for reasons of unsuitability.

Q Before you were discharged you had some more problems, didn't you, with the Marine Corp?

A Yes.

Q What sort of problems did you have?

Well, if you would like to look?

A I went on AWOL and I threatened to kill a sargeant.

Q You were absent without leave on a couple of occasions?

A Yes.

Q You were Court-Martialed for that?

A Yes.

Q And you received a motion and a fine?

A Yes.

Q And you had a forfeiture of \$85.00 a month, and you were broken down to a Private First Class, is that correct?

A Yes.

Q And what had you been before that?

A E4 Corporal.

Q You indicated that you had a problem with a sargeant,



Haralambus-cross

what problem was that?

A I just didn't like him.

Q What was his name?

A Kessler.

Q And you threatened him, didn't you?

A Yes.

Q What did you say?

A That I will kill that Son-of-a-bitch.

Q And you were penalized for that, too?

A Yes.

Q And what was the penalty for that?

A I lost \$25.00 a month for two months and ten days restriction.

Q And during the time prior to the discharge after you came back from Vietnam you were in frequent contact with the psychiatrist then, weren't you?

A Yes.

Q And you told the psychiatrist that you had been using hallucinogenic drugs, LSD, DNT, and TCP and marijuana?

A Yes.

Q And you told the psychiatrist that you were hallucinating, is that right?

A Yes.

Q What sort of Hallucinations were you having at Camp

1 haralambus-cross

2 Lejuene?

3 A I don't know. I can find out.

4 Q I'm asking you to refresh your recollections if  
5 you don't recall what type of hallucinations? Would you  
6 look at page 3 the last paragraph and see if that refreshes  
7 your recollection?

8 A Yes.

9 Q What type of hallucinations were they?

10 A Auditory type of hallucinations.

11 Q You were hearing voices, isn't that right?

12 A Yes.

13 Q When you closed your eyes you could hear voices?

14 A Yes.

15 Q Have you been hearing voices while you gave testimony  
16 during this trial this morning?

17 A No.

18 MR. BAILLOW: Objection.

19 BY MR. KELLY: (continuing)

20 Q You told the psychiatrist you had hallucinations  
21 all the time while you were under the hallucinogenic drugs?

22 A Yes.

23 Q You told the psychiatrist about taking bad trips?

24 A Yes.

25 Q Drawing your attention to page 4 about the middle



Haralambus=cross

way down?

A Yes.

Q You told him you had bad trips, isn't that right?

A Yes.

Q You had been doing heavy drinking in addition to using reefers?

A Yes.

Q And did you tell the psychiatrist at that time what sort of difficulties you were having in the Marine Corp?

A Yes.

Q Well, weren't you disturbed with the harassment? You indicated that it was continual? Just refresh your recollections?

A Yes.

Q And you told him, too, that you had problem going back to the days in school when you didn't get along with teachers and other people in the class, isn't that right?

A Yes.

Q Then the doctor placed you on medication at that time, didn't he, prior to your discharge?

A Yes.

Q Do you recall what medication he placed you on?

A The same one, Thorazine.

Haralambus-cross

1  
2 Q How much Thorazine did he give you?

3 A I don't recall.

4 Q Well, if you will look at the top of page 5, and  
5 would read that over and see if that refreshes your  
6 recollection as to the dosage of Thorazine administered?

7 A Yes, 100 milligrams daily and later reduced to 25  
8 milligrams four times a day.

9 Q And that helped you?

10 A The medication?

11 Q Because you were very hostile before that weren't  
12 you?

13 A Yes.

14 Q Now, after you left the service in September --

15 THE COURT: Would this be a convenient place to  
16 break off?

17 MR. KELLY: Yes.

18 THE COURT: We Will adjourn now, members of the Jury  
19 until tomorrow morning. I think when you come in  
20 tomorrow morning you go down stairs and report in, and  
21 then at about a quarter to 10:00 you will come up to  
22 the Jury Room so that we will be able to start at 10:00.

23 Please, do not discuss this case with one  
24 another or anyone else until it is finally given to you  
25 to deliberate.



Haralambus-cross

(Time noted; 4:30 P.M.)

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Haralambus-cross

also. Before Mr. Kelly resumes his cross-examination, I want the jury to know that the gentleman at my table is Brian Noone, the agent from the Drug Enforcement Administration.

THE COURT: Are you going to call him as a witness.

MR. BARLOW: Yes, Sir. He is in charge of the case.

CROSS EXAMINATION CONTINUES

BY MR. KELLY:

Q Now, Mr. Haralambus, as you will recall yesterday we had pretty much completed discussions of certain facts in connection with your Marine Corp career. And I think one of the problem you indicated that you had was accommodating to authority; is that right?

A Yes.

Q You were discharged on September 20th, of 1968; is that right?

A Yes.

Q And after your discharge did you continue using medication for your psychiatric problem?

A No.

Q You didn't seek any psychotherapy or continue your use of the Thorazine?



Haralambus-cross

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A No.

Q And from that time until this time have you ever been treated by a psychiatrist, physician, or psychologist for a medical illness?

A No.

Q Directing your attention to October, 1969, did you have some troubles with authority at that time?

A Yes.

Q What were those troubles?

A I believe it was going across the Canadian Border we got stopped, and we had some marijuana and pills with us.

Q When you say "we" who are you referring to?

A Myself and I believe a girlfriend and another friend; or two girlfriends.

Q And do you recall the charge that was larged against you for possession of those materials?

A No.

MR. KELLY: May I have this marked for identification as Defendant Exhibit B.

THE CLERK: So marked Defendant Exhibit B for identification.

(Marked)

BY MR. KELLY: (Continuing)

Q Now, Mr. Haralambus, I show you Defendant Exhibit

Haralambus-cross

B for identification. Can you identify that document?

A Yes, it is -- I don't know.

Q That is your FBI Rap Sheet so to speak, isn't it?

A Yes, if you want to call it.

Q What was the charge, if that refreshes your recollection, that was larged against?

A Criminal possession of dangerous drugs.

Q And what were those drug again?

A Marijuana and a few pills or something.

Q You were convicted of that crime, isn't that true?

A Yes.

Q You pleaded guilty?

A Yes.

Q And did you receive a conditional discharge?

A To refrain from drugs for one year.

Q And did you refrain from drugs for one year?

A Yes.

Q Is that the only conviction you had?

A Yes.

Q Drawing your attention now to approximately April of 1973, did you come in contact with the Authorities again?

A Yes.



Haralambus-cross

1  
2 Q Would you tell us the nature of the conflict with  
3 authorities then?

4 A Experience or manufacturing a controlled  
5 substance.

6 Q Do you recall the exact nature of the charge  
7 against you?

8 A Excuse me?

9 Q Do you recall the exact nature of the charge  
10 against you?

11 A Three Counts of conspiracy, I believe, to  
12 manufacture Speed.

13 Q And the other Counts -- Well, I show you --  
14 May I have this marked as Defendant Exhibit C  
15 for identification.

16 THE CLERK: So marked Defendant Exhibit C for  
17 identification.

18 (Marked)

19 BY MR, KELLY: (Continuing)

20 Q I show you Defendant Exhibit C for identification,  
21 Mr. Haralambus. Could you tell us what that document is?

22 A It is an indictment on the conspiracy to  
23 manufacture controlled substances.

24 Q Would you look at the second page?

25 A Yes?

Haralambus-cross

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Q Is there a Seal there?

A Yes.

Q Now, drawing your attention to that document, does that refresh your recollection as to what the exact charges against you were that are larged in that indictment?

A Yes.

Q What were those charges?

A Do you want me to read it?

Q I just want you to refresh your recollection from looking at that document? You were indicted in three charges, isn't that right?

A Yes.

Q You were indicted with a number of other people in a conspiracy to posses and to distribute amphetamines?

A Yes.

Q You were charged with the actual possession with intent to distribute those amphetamines, isn't that right?

A Yes -- no, because I didn't have any.

Q Well, you were charged with the manufacturing of the amphetamines, isn't that right?

A Yes.

Q You were named in that indictment with some other individuals, isn't that true?

A Yes.



Haralambus-cross

Q Do you recall the names of some of those individuals with whom you were charged?

A William Ziese, Joseph King, Richard DeVito, Dominic Malfetta, myself and Antonio Tuosto.

Q Now, during the course of that case did you become involved with the Drug Enforcement Administration as an official informant?

THE COURT: Just a minute.

THE WITNESS: I don't recall.

THE COURT: Mr. Gates has now arrived. What is your wish? Do you want to speak to Mr. Williams, Mr. Kelly, and Mr. Barlow?

MR. KELLY: Can we have a side bar?

THE COURT: Yes.

(Whereupon, counsel and the Court Reporter conferred with the Court, as follows:)

MR. BARLOW: For the record, as I told Mr. Kelly, the Government has no objection to whatever he wishes to do.

MR. KELLY: Judge, I have been speaking to the Defendant, and it is my view that in as much as we have had some testimony —

THE COURT: We can have it read to him.

MR. KELLY: I covered that with my client, and my

Haralambus -cross

client has pretty well left it up to me.

THE COURT: I think we can interrupt at this moment and the Court Reporter can go into the jury room and read it to him, or do it out here in order to bring him up to date.

MR. KELLY: I hadn't thought about the record.

MR. BARLOW: It is perfectly agreeable to the Government.

(Whereupon, the side bar was concluded, counsel returned to their seat at counsel table and the trial resumed, as follows:)

THE COURT: Members of the jury, we will take a short recess and get Mr. Gates in here and the Court Reporter will bring him up to date. So we will go on from this point.

(Whereupon, the Court Reporter reads back the testimony to Mr. Gates.)

THE COURT: Bring in the jury.

(Whereupon, the jury was seated in the jury box.)

THE COURT: Would you resume your regular seats, and we will continue with the trial.

Mr. Haralambus, some of the jurors cannot hear you, so you have got to do better. Will you try to lean forward and talk directly to the microphone, and keep



Haralambus-cross

your hand away from your mouth. I think that would help.

BY MR. KELLY: (Continuing)

Q Mr. Haralambus, I think the last question I asked was as to whether or not during the pendency of the indictment to which you have just referred, you became an official informant for the Drug Enforcement Administration? Well, while this case --

A Do you want me to answer?

Q While the case was pending, the indictment?

THE COURT: I think he was waiting for your question. So, that is the question.

Did you?

THE WITNESS: I don't recall.

BY MR. KELLY: (Continuing)

Q You don't recall?

A No.

Q And what was the outcome of this case?

A Myself and Mr. Tuosto were dismissed on the ground that the other defendant pleaded to the charge to one Count.

Q Do you recall when that dismissal of that indictment took place?

A No, I don't remember.

Haralambus-cross

MR. KELLY: May I have this marked as Defendant Exhibit D for identification.

THE CLERK: So marked as Defendant Exhibit D for for identification.

(Mark)

BY MR. KELLY: (Continuing)

Q Now, I draw your attention to Defendant Exhibit D for identification. Could you tell us what that is, Mr. Haralambus?

A I really don't know.

Q There are entries on that sheet?

A It is a criminal docket.

Q They are the criminal docket sheets for that criminal case. Now, if you will look at page three — Do you see a Seal on that?

A Yes.

Q Now, drawing your attention to Page three, the first entry for May 30th, 1974; does that refresh your recollection as to when your case was dismissed?

A Yes.

Q What date was the date of the dismissal?

A May 30th.

THE COURT: 1974?

THE WITNESS: 1974, yes.



Haralambus-cross

BY MR. KELLY: (Continuing)

Q And at that time in May 30th, of 1974, you were and informant for the Drug Enforcement Administration, weren't you?

A Yes, I believe so.

Q And at the same time as you were informant for Drug Enforcement Administration you were also involved in the crime to which you have given testimony here, isn't that right?

A I don't understadn the question.

Q Well, around May 30th, weren't you still involved in these transactions to which you have testified involving drugs?

A Which transactions?

Q You gave testimony in this trial --

THE COURT: The ones that you have been discussing in the testimony in the presant case?

THE WITNESS: No, I don't believe so.

BY MR. KELLY: (Continuing)

Q Well, you gave testimony, didn't you, during this trial that some of the drug transactions took place in June of '74?

A Your Honor, I think there is a mistake with the dates here.

THE COURT: Is that a recent document?

Haralambus-cross

MR. KELLY: Yes, Judge.

THE COURT: Well, perhaps the file will still be in the building.

MR. KELLY: I would ask the Court to take judicial notice of the record in the court file.

THE COURT: But the witness says the date seems wrong to him. I guess the only way to straighten that out is to get ahold of the file and see what, if any judgment or order under lies the entry and what its date is.

MR. KELLY: I see, Judge.

(Continuing)

Q You don't think that is the right date, Mr. Haralambus?

A I don't know. I'm confused about that '74. That is the only date I'm confused about.

Q You think that date is too late?

A Possibly.

Q At any rate, the case was dismissed against you?

A Yes, Sir.

Q Now, one of the men named in that indictment with you was a man named Joseph King, is that right?

A Yes.

Q Did something happen in January, 1974, between



Haralambus-cross

you and Mr. King that brought you to the attention of the law enforcement again?

A Yes.

Q And do you recall what the nature of that business between you and Mr. King was?

A It was involving a loan. I guess you would call it a loan.

Q Can you tell us the amount of the loan?

A \$5,000.00 and \$1,000.00 a week interest.

Q In other words, a charlark loan?

A Yes.

Q You went to Mr. King and you told him that you needed some money and he arranged for you to get that money?

A Yes.

Q And how much was the interest on that money?

A \$1,000.00 a week.

Q And what was the purpose of your obtaining that money from Mr. King?

A To pay my lawyer.

Q Did you have any other reason for borrowing that money?

A No.

MR. BARLOW: Objection, Your Honor — withdrawn.

BY MR. KELLY: (Continuing)

Haralambus-cross

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Q Well, you also had some problem with respect to the loss of income during the pendency of this indictment?

A Yes -- I was waiting for the sale of some property I had.

Q Pardon me?

A I was waiting for the sale of some property I had.

MR. KELLY: Could I have this document marked Defendant Exhibit E for identification.

THE CLERK: So marked Defendant Exhibit E for identification.

BY MR. KELLY: (Continuing)

Q Now, Mr. Haralambus, I show you Defendant Exhibit E for identification. Can you identify that document, please, for us?

A It is another FBI document.

Q And that is the report of Agent Kenneth Thompson, isn't that right?

A Yes.

Q With respect to the transaction you had with Mr. King?

A Yes.

Q And if you will turn to page two of that particular document, do we have in words, or substance a report of what



Haralambus-cross

1  
2 you told the agent at that particular time about this  
3 transaction with Mr. King?

4 A Yes.

5 Q And you told the agent in that case, isn't it  
6 true, that you had legal debts, and you had a loss of income  
7 with respect to your job that resulted from the particular  
8 indictment in this case?

9 A Yes, and I told him I told King that I was  
10 going to used the \$5,000.00 to purchase cocaine. If I told him I  
11 was going to used the \$5,000.00 to pay myl lawyer, or I would  
12 never have got the money.

13 Q You told Mr. King that you would be able to  
14 set a purchase of some cocaine with the \$5,000.00, and that  
15 you would be able to pay him back the \$5,000.00 and the  
16 interest, isn't that right?

17 A Yes.

18 Q Now, at this time in January of 1974, were  
19 you an agent for the Drug enforcement Administration at that  
20 time? Were you working as an agent with the Drug Enforcement  
21 Administration in January, 1974?

22 A I don't recall.

23 Q Around January of 1974, you were involved in  
24 some of the drug transactions to which you have given testi-  
25 money in this case; isn't that right?

Haralambus-cross

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A Yes.

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Q Well, you told the jury that some or the beginning of the drug transaction took place between the holiday of '73, the Christmas holidays and the early part of January, right?

6

A Yes.

7

8

9

Q And when you told Mr. King that you were going to use the money to buy cocaine, were you telling him the truth at that time?

10

A No.

11

Q You were lying to Mr. King?

12

A Yes.

13

MR. BARLOW: Objection.

14

THE COURT: Well, no, the objection is overruled.

15

16

When you say you were lying to Mr. King at that time, that question mean that you knew you were telling him something that was not a fact?

17

THE WITNESS: Yes.

18

THE COURT: Not simply that you were not mistaken?

19

THE WITNESS: No.

20

21

THE COURT: That you deliberately told him something other than what you knew to be the facts?

22

THE WITNESS: Yes.

23

BY MR. KELLY: (Continuing)

24

Q And you say you told Mr. King that because that

25



Haralambus-cross

was the only way you thought you could get the money; is that right?

A Yes.

Q How did Mr. King give you that money?

A He gave me \$2,000.00 the first day and \$3,000.00 the next day.

Q Where did he give you that money?

A In my house and in his car.

Q His car?

A His car.

Q Was anybody present at that time with you and Mr. King when you received the money?

A No, not that I recall.

Q Well, drawing your attention to page four, the second paragraph?

A Yes.

Q Would you read that over to see if that refreshes your recollection?

A Yes, his girlfriend, her name was Cathy. I don't know her last name.

Q T's girlfriend of King?

A King. She was from Denver, Colorado.

Q And you finally got a \$5,000.00 loan from Mr. King?

Haralambus-cross

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A Yes.

Q When you made the date with Mr. King to see him in a week to pay him back the money that you owed the principal plus the interest, is that correct?

A Yes.

Q What did you do with that money that you had received from Mr. King?

Paid my debts to the lawyer and bills that had piled up.

Q Did you use up all the \$5,000.00?

A Yes.

Q Well, then a few days you returned to Mr. King \$2500.00, did you?

A Yes.

Q Where did you get that \$2500.00?

A From the sale of some property I had.

Q You didn't get that money from selling drugs?

A No.

MR. BARLOW: Objection.

THE COURT: Overruled.

BY MR. KELLY: (Continuing)

Q Isn't it true that you got a deed from a friend of yours to put up as collateral with Mr. King to insure him of getting his money back?



Haralambus-cross

A Yes.

Q What was the name of that individual?

A Ray —

THE COURT: Can you tell us his name?

THE WITNESS: M-a — I believe its here somewhere,

M-a-m-m-e-n-g-a.

BY MR. KELLY: (Continuing)

Q Now, did you ever pay the total amount back to Mr. King that you had bargined with him to pay?

A No.

Q You went instead to the enforcement agent when Mr. King was putting pressure on you; isn't that right?

A Yes.

Q And what happened when you went to the enforcement agent?

A Well, I was — Mr. King went over to Ray's house and —

Q What's that?

A Mr. king had went over to Ray's house and had threaten his wife that if she wanted to see her kids the following Monday she had better sign the deed over to him.

Q Who did that?

A Mr. King to Mammenga's wife.

Q How did you know who to go to?

Haralambus-cross

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2 A I didn't. Mr. Mannenga made the arrangements.

3 Q Well, somebody had to suggest a particular bureau  
4 of the Government?

5 A Yes.

6 Q Who suggested that?

7 A Mr. Mannenga I believe.

8 Q And who did you go to to talk about or to tell  
9 about this?

10 A FBI.

11 Q And what action did the FBI take?

12 A They made a meeting with Mr. King, and that was  
13 all I know.

14 Q Well, did you have any conversation with Mr. King?

15 A Just once with the FBI and some phone conversations  
16 that the FBI monitored, and that was about it.

17 Q You make a telephone with their consent to Mr.  
18 King?

19 A Yes.

20 Q What happened after that, did Mr. King lay off?

21 A After he met with myself and two agents from the  
22 FBI.

23 Q So, the deal was off then and you never paid  
24 him back what you owed him?

25 A Yes.



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Haralambus-cross

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Q Now, you said you didn't recall whether during the pendency of this indictment you were an informant for the Drug Enforcement Administration; is that right?

5

A Yes.

6

7

MR. KELLY: May I have this marked for identification?

8

9

THE CLERK: Marked for identification as Defendant Exhibit F.

10

(Marked)

11

BY MR. KELLY: (Continuing)

12

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14

Q Now, I show you Defendant Exhibit F for identification. Would you look that over? Can you tell us what that is?

15

16

A Yes, it is a Motion that the United States Attorney have appeared in open court.

17

18

Q I don't want you to —

19

A It is an Order of Dismissal for myself.

20

Q Mr. Haralambus, I'm not asking you to read it.

21

THE COURT: No, he is saying it is an Order. He was about to describe it.

22

THE WITNESS: An Order of Dismissal.

23

BY MR. KELLY: (Continuing)

24

Q What is the date on that Order?

25

A May 30th, 1974.

Haralambus-cross

1  
2 Q So the entry in the docket was correct, is that  
3 right?

4 A Yes.

5 Q Now, the particular indictment that we were re-  
6 ferring to which you just added the testimony, was filed  
7 some time in April of '73, isn't that right?

8 A Yes.

9 Q And this case was dismissed in May of 1974, is  
10 that right?

11 A Yes.

12 Q Now, I ask you again whether or not during the  
13 pendency of this case, that is between the time it was entered  
14 and the dismissal, you were an informant for the Drug Enforcement  
15 Administration?

16 A It is possible.

17 MR. KELLY: May I have this marked for identi-  
18 fication?

19 THE CLERK: Marked for identification as Defendant  
20 Exhibit G.  
21 (Marked)

22 BY MR. KELLY( Continuing):

23 Q I show you Defendant Exhibit G for identification,  
24 Mr. Haralambus. Could you look at that and identify it?

25 A It is a Drug Enforcement case record against



Haralambus-cross

Mr. Durso.

Q It is a report by Mr. Noone, isn't it?

A Yes.

Q And it refers to conversations he had with you in October, 1973, isn't that right?

A Yes.

Q And he doesn't refer to you by the name of Harry Haralambus?

A No.

Q He calls you Informant SC1130122. Does that refresh your recollection as to whether you were an informant for the Government during the Pendency of that indictment that was dismissed?

A Yes.

Q Were you a paid informant?

A No.

Q Were any promises made to you in return for you being an informant?

A No.

Q Did your being an informant have anything to do with the dismissal of the case, or the indictment to which you referred?

A No.

THE COURT: Did you say, yes, or, no?

Haralambus-cross

THE WITNESS: No.

BY MR. KELLY: (Continuing)

Q You knew about Mr. Durso before these incidents to which you have testified in this trial, is that right?

A Yes.

Q You knew about him back in October, around the time you were an informant?

A Yes.

Q How long had you been an informant?

A I don't know exactly.

Q What sort of investigation were you helping the Government with at that time in October, '73?

A Something to do with heroin and cocaine.

Q Well, do you recall a person named Allen?

A Yes.

Q Did that report refresh your recollection as to the transaction that took place between you and Allen around that time?

A Yes. I was given a Dime of heroin hydrochloride, and I gave the sample to Agent Noone.

Q Where did you get that sample from?

A From Allen.

Q Who was Allen?

A A friend of Mr. Durso.



Haralambus-cross

1  
2 Q Did you test that sample before you gave it to  
3 Agent Noone?

4 A No.

5 Q What were the results after giving it to Agent  
6 Noone?

7 A It was 16.3 percent powder heroin hydrochloride.

8 Q It was tested?

9 A Yes.

10 Q Now, drawing your attention to February 7th, 1974,  
11 were you in contact with the Drug Enforcement Administration  
12 at that time?

13 A I believe so.

14 Q You are not sure?

15 A Yes -- yes.

16 MR. KELLY: May I have this marked for identification?

17 THE CLERK: Marked for identification as Defendant  
18 Exhibit H.

19 (Marked)

20 BY MR. KELLY: (Continuing)

21 Q Now, I show you Defendant Exhibit H for identi-  
22 fication. Could you identify that for us?

23 A An investigation of Knapp Frank.

24 Q That is a report by Agent Noone, isn't it?

25 A Yes.

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Haralambus-cross

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Q Does that refresh your recollection as to what

3

happened in February, '74?

4

A Yes.

5

Q Did you have a conversation with Agent Noone

6

at that time?

7

A Yes.

8

Q And did you talk to him about Knapp and Durso?

9

A Yes.

10

Q And you were an informant for the Government at

11

that time?

12

A Yes.

13

Q Did you tell him about the deal you had made

14

with Durso and Fabella?

15

A No.

16

Q Is there some reason why you didn't tell Agent

17

Noone that?

18

A Yes.

19

Q Why was that?

20

A I didn't want to get in trouble.

21

Q So, you were an agent for the Government at that

22

time, is that right? You were supposed to be working for the

23

Government at that time?

24

A Yes.

25

Q And actually you were participating in deals with



Haralambus-cross

Durso about which you didnt tell the Government, isn't that right?

A Yes.

Q Now, Mr. Haralambus, you testified about events that terminated toward the end of June, 1974, isn't that right?

A Yes.

Q That was the last time that you had any drug deals with Mr. Durso?

A Yes.

Q And you went to the Authorities and told them what you had been doing with Mr. Durso around July 19, 1974, isn't that right?

A Yes.

Q Are you sure of that date?

A No.

MR. KELLY: May I have this marked for identification, please.

THE CLERK: Marked as Defendant Exhibit I for identification.

(Marked.)

BY MR. KELLY: (Continuing)

Q I show you Defendant Exhibit I for identification. Could you tell us what that is?

Haralambus-cross

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A It is another case investigation.

3

Q Reported by Agent Noone, isn't that right?

4

A Yes.

5

6

Q And does that refresh your recollection as to the date on which you went to the law enforcement and told the about what you had been doing?

7

8

A Yes.

9

10

11

Q Were they distrubed with you that you were supposed to be their informant and you were actually doing things on your own?

12

A Yes.

13

MR. BARLOW: Objection.

14

THE COURT: Overruled.

15

BY MR. KELLY: (Continuing)

16

17

Q Was there some reason why you went to the law enforcement at that particular time?

18

A Yes.

19

Q Instead of earlier or later?

20

A Yes.

21

Q What was that, Mr. Haralambus?

22

23

24

A I got tired of -- I got both ends against the middle, and I wanted to do the right thing; clear myself of all the wrongdoings that I did.

25

Q Well, what do you mean? Would you tell us a



Haralambus-cross

little bit more in detail what you mean by that?

A Exactly what I mean.

Q You were sick of being involved in drug?

A Yes.

Q You were disgusted with it?

A Yes.

Q You wanted no more of it?

A Yes.

Q Isn't the real reason because Mr. Durso was putting a lot of pressure on you at that time; and that is the reason why you went to the law enforcement?

MR. BARLOW: Objection.

THE COURT: Overruled.

THE WITNESS: That also had a bearing on it.

BY MR. KELLY: (Continuing)

Q Isn't it true that you would have continued to deal in drugs if Mr. Durso hadn't put pressure on you?

A No.

Q You were going to give it up?

A Yes.

Q Was there something that happened in your life that led you to make that change at that particular time?

A Yes.

Q What was that?

Haralambus-cross

A I got tired of doing what I had been doing. After a while I get fed up with things, and I decided I had got fed up.

Q So, you went to the Government and told them the whole story?

A Yes.

Q You told them about yourself, is that right?

A Yes.

Q You told them about all of the other people involved, is that right?

A Yes.

Q Including your cousin Peter Mikeds?

A Yes.

Q And Bebe Morton?

A Yes.

Q And Chris Williams?

A Yes.

Q Now, before you told them all of that, did you make some bargain with them?

A No.

Q You didn't say to them, "If I tell you the whole story will you let me go free"?

A No.

Q You did this because you were sick of drugs, is



Haralambus-cross

1  
2 that right?

3 A Yes.

4 Q What sort of pressure was Mr. Durso putting on you  
5 at that time?

6 A He was threatening me.

7 Q What did he say? What did he do?

8 A A number of things. He wanted to kill me. First  
9 he wanted to go to Washington and meet the people I had taken  
10 the drugs. Then he just wanted to hold me responsible. And  
11 then he started threatening my girlfriend.

12 Q And you told all of this to the enforcement  
13 agency?

14 A Yes.

15 Q And what did they do for you?

16 A Immediately nothing. I ended up in the hospital.

17 Q Well, they tried to help you solve your problem  
18 with Mr. Durso?

19 A Yes, they tried to help me.

20 Q What sort of help did they give you?

21 A Well, they tried to meet Mr. Durso.

22 Q Well, what did they do? Did they go with you?

23 A Yes.

24 Q They made a telephone call with you to Mr.  
25 Durso?

Hamblambus-cross

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A Yes.

3

Q And they surveilled you when you were with Mr.

4

Durso; did they do that, too?

5

A I believe so, yes.

6

Q Notwithstanding all of that you ended up in the

7

hospital, is that right?

8

A Yes.

9

Q How long were you in the hospital?

10

A Nine or ten days.

11

Q Did Mr. Durso do that to you?

12

A Excuse me?

13

Q Did Mr. Durso do that to you?

14

A Yes.

15

Q When did he do that?

16

A September 13th.

17

Q Where did he do that?

18

A A friend of mine's house.

19

Q Who is your friend?

20

A Dean Vorvariga, V-o-v-a-r-i-g-a.

21

Q And was Dean there when this happened?

22

A Yes.

23

Q Did he see it?

24

A Yes.

25

Q Was anybody else there?



## Haralambus-cross

1

2

A Cathy Ross, and Cathy Canter.

3

Q A lot of people saw it, is that right?

4

A Yes.

5

Q Then after that Mr. Durso was arrested, is that

6

right?

7

A Yes.

8

Q And Mr. Fabella was arrested?

9

A Yes.

10

Q Were you ever arrested?

11

A Not as yet.

12

Q And you don't expect to be arrested?

13

A I have no idea.

14

Q You haven't been charged in this case, have you?

15

A Not that I know of.

16

Q And you don't expect to be charged for anything

17

you did in this case?

18

A I have no idea.

19

Q You have no idea at all?

20

A No.

21

Q You are just trusting the Government to be kind

22

to you, is that right?

23

A I have no idea what the Government intends to do.

24

Q Do you really think that they may indict you for

25

some of the things you testified to?

Haralambus-cross

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A They may.

3

Q Would you be distrubed by that?

4

A A little.

5

Q After all of the testimony you have given?

6

A I have no guarantee.

7

MR. KELLY: May I have just a moment, Judge.

8

THE COURT: Yes.

9

MR. KELLY: May I have this marked for

10

identification, please.

11

THE CLERK: Marked for identification as

12

Defendant Exhibit J.

13

(Marked)

14

BY MR. KELLY:(Continuing)

15

Q Now, Mr. Haralambus, I show you Defendant Exhibit

16

J for identification. That is another report by Agent Noone,  
isn't it?

17

18

A Yes.

19

Q And it refers to an interview with you around

20

November 4th, 1974, is that right?

21

A Yes.

22

Q And at that time the facts about which you have

23

given the DA, the information was pretty clear in your mind;  
pretty fresh?

24

25

A Yes.



1 Haralambus-cross

2 Q Now, in that report that you made to Agent  
3 Noone, are those pretty much your own words — words in sub-  
4 stance what you told Agent Noone at that time?

5 A Yes.

6 Q Did you tell Agent Noone anything about meeting  
7 Carmen Bonita in your apartment in New York as you testified  
8 to here?

9 A No.

10 Q Did you tell Agent Noone about Carmen Bonita  
11 going to the Western Union and picking up money with her  
12 Passport?

13 A In this statement?

14 Q Yes.

15 A No.

16 Q Did you say anything in that statement that  
17 Carmen Bonita had secured the drugs on her person and taken  
18 them down to Washington?

19 A No.

20 Q Did you forget to tell him?

21 A Excuse me?

22 Q Did you forget to tell him?

23 A I may have overloaded it, yes.

24 Q Did you tell Agent Noone in that report anything  
25 about being at Betty Gage's house with Mikeds and Rick Daniels?

Haralambus-cross

A No. I believe the report —

MR. KELLY: Your Honor, would you direct the witness to answer the question.

THE COURT: Yes, just answer the question. If there are other questions to be asked, Mr. Barlow will ask them on redirect.

THE WITNESS: No.

BY MR. KELLY: (Continuing)

Q Did you forget to tell that to Agent Noone at that time?

A Yes, I may have, yes.

Q They didn't seem very important to you?

A Probably not at the time.

Q There were a number of things you didn't tell Agent Noone at that time as you told to us in this Court, is that right, about this case?

A Possibly, yes. I didn't get into it in depth.

MR. KELLY: Could I have this marked for identification.

THE CLERK: Marked for identification as Defendant Exhibit K.

(Marked)

BY MR. KELLY: (Continuing)

Q I show you Defendant Exhibit K for identification,



Haralambus-cross

Mr. Haralambus. Can you identify that?

A Yes. It is a statement I gave the DA on November 4th, 1974.

THE COURT: November 4th?

THE WITNESS: Yes.

BY MR. KELLY: (Continuing)

Q That was the statement that you gave, and that was transcribed and typed up by the Drug Enforcement Administration, is that right?

A Yes. It was a statement I gave to the best of my knowledge.

THE COURT: A signed statement?

THE WITNESS: Yes. I may have overlooked a few things when I made the statement, but I basically told them everything that went down.

BY MR. KELLY: (Continuing)

Q Let's look into it a little bit, Mr. Haralambus. Now, referring your attention to page -- paragraph three of the first page of that statement. Could you read that over?

You talk about your cousin Peter Mikeds coming up with an individual named Bebe Morton, is that right?

A Yes.

Q Did you say anything about Carmen Bonita?

A No.

1 Haralambus-cross

2 Q She is not mentioned at all?

3 A I didn't mention her because I didn't think it was  
4 important.

5 Q Now, the second deal took place, isn't that right,  
6 after the first deal involving Bebe and Peter?

7 A Yes.

8 Q Did you say anything in that statement about  
9 being at Betty Gage's and meeting Rick Daniels and the other  
10 individuals that you testified about here?

11 A No, because I didn't think it was important at  
12 the time.

13 Q That wasn't important either?

14 A I didn't think so.

15 Q Did you tell him about you going up to Pearl's  
16 house?

17 A I don't know.

18 Q Well, look at that document and see if it re-  
19 freshes your recollection as to whether or not you talked about  
20 going up to Pearl's house?

21 A No.

22 MR. KELLY: May I have this marked for identi-  
23 fication.

24 THE CLERK: Marked for identification as Defendant  
25 Exhibit L.



Haralambus-cross

(Marked)

BY MR. KELLY: (Continuing)

Q I show you what has been marked Defendant's Exhibit L for identification. Could you identify what that document is, Mr. Haralambus?

A I don't know what you call it. It is a criminal record.

Q It is the minutes of your Grand Jury appearance when you appeared before the Grand Jury?

A Yes, Grand Jury minutes.

Q What is the date?

A What is the date -- May, '74 -- Or December 16th, 1974. There is a bunch of dates. Which date do you want?

MR. BARLOW: These are the Grand Jury minutes of December 16th, 1974.

BY MR. KELLY: (Continuing)

Q Before the Special Grand Jury of May, 74, is that right?

A That was the two dates of the Grand Jury minutes. I especially see May --

MR. BARLOW: The Government stipulates the date is December 16th, 1974, Your Honor.

THE COURT: I should explain to you, members of the jury, when the Grand Jury is impanelled, they re-

Haralambus-cross

ceive, in effect, a specific identification which is the month and the year in which it was impanelled. So, it would be, I guess, in this case May, 1974 Grand Jury. And then Grand Jury, either special or the word "special" isn't used, depending whether it is the first or the second one impanelled in that year.

BY MR. KELLY: (Continuing)

Q Now, when you went before the Grand Jury you were told that you were not a target of the investigation that was being conducted by the Grand Jury?

A Yes.

Q That is the first thing that you were told?

A Yes.

Q And you were told that you weren't being given formal immunity, but you were given informal immunity?

A For the Grand Jury testimony.

Q What did that mean to you when they said you were being given informal immunity?

A That anything I said before the Grand Jury wouldn't be held against me.

Q Wouldn't be used against you?

A Yes.

Q Now, would you look through those Grand Jury minutes as quickly as you can, Mr. Haralambus?



Haralambus-cross

THE COURT: While he is doing that, would the Court Reporter like to rest his fingers?

THE COURT REPORTER: Yes, Your Honor.

THE COURT: We will have a short recess.

Please do not discuss the case with one another until the case has been given to you.

(Whereupon, Court recessed for a few minutes.)

THE COURT: Bring in the jury.

(Whereupon, the jury was seated in the jury box.)

BY MR. KELLY: (Continuing)

Q Mr. Haralambus, have you looked over your Grand Jury minutes or testimony for December 16th, 1974?

A Yes.

Q Now, did you at any time during the testimony before the Grand Jury tell them that Carmen Bonita was there with Bebe Morton, and that she was pregnant, and that she went to Western Union to pick up the money, and that she left with the durgs concealed on her person?

A No.

Q You never told them that?

A No.

Q At any time during the course of your testimony before the Grand Jury did you tell them about Betty Gage's apartment, or Betty Gage, or Rick Daniels, or Pearl, or any

Haralambus-cross

1  
2 of these other people who were involved in the second trans-  
3 action?

4 A No.

5 Q Now, do you recall telling the Grand Jury that  
6 Mr. Durso came to you because he knew you could handle a  
7 tremendous amount of drugs?

8 A Yes.

9 Q Was that true?

10 A Yes.

11 Q Were you well known in the community as the  
12 drug dealer as far as you know?

13 A I was not well known, but known by certain  
14 people.

15 Q And you handled a tremendous amount of drugs?

16 A I don't know about a tremendous amount.

17 Q How much drugs in a week would you move?

18 A I have no idea.

19 Q Did you deal in kilo amounts, or pounds?

20 A Pounds.

21 Q How long had you been in the drug business when  
22 Mr. Durso came to you?

23 A A number of years.

24 Q And you had been using drugs yourself, isn't  
25 that true?



1 Haralambus-cross

2 A On occasions, yes.

3 Q What sort of drugs did you use?

4 A Cocaine and marijuana.

5 Q Did you use herion?

6 A No.

7 Q Did you use LSD or any of the other hallucinogenic  
8 drugs?

9 A Yes, very rare occasions.

10 Q You did use them?

11 A Very rarely.

12 Q Now, you testified as a matter of course your  
13 meetings and transactions with Mr. Durso were at the Midway  
14 Bar, is that right?

15 A Yes.

16 Q You testified about that in the Grand Jury, didn't  
17 you? Well, drawing your attention to page nine, does that  
18 refresh your recollection?

19 A Yes.

20 Q So, you met Mr. Durso as a general rule at the  
21 Midway Bar, is that right?

22 A Yes.

23 Q Now, there were occasions when you met him at  
24 other places, is that right?

25 A Yes.

Haralambus-cross

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Q Where else did you meet?

A 48th Avenue and a 180th Street, and 46th Avenue and 108 Street.

Q There was a place where you met that was different from the ordinary places where you met him, isn't that right?

A Yes.

Q Did you testify that you met him at the World site at one time?

A Yes.

Q Did you tell that to the Grand Jury?

MR. BARLOW: Objection, Your Honor.

THE COURT: No, on what ground, Mr. Barlow?

MR. BARLOW: On the ground that it is impeached by the Grand Jury minutes. Usually it calls for a set of questions and answers in the Grand Jury, and not the absence of the questions in the Grand Jury.

THE COURT: I'm afraid I couldn't sustain the objection on that ground, but the jury must pass on whether the nature of the inquire for the Grand Jury to elicit the testimony which he is now asked whether it was omitted or not. If the questions were such as naturally to elicit and he has not testified to it, then that will be something you might take into account in



Haralambus-cross

2 in evaluating the testimony.

3 BY MR. KELLY: (Continuing)

4 Q I think you testified that there came a time in  
5 June, or thereabout, of 1974, when Mr. Durso asked you to  
6 get rid of some stuff in Washington for him, isn't that  
7 right?

8 A Yes, I believe so.

9 Q Well, you testified that Mr. Durso told you  
10 that he didn't want you to get rid of this stuff in New York  
11 for some reason?

12 A Yes.

13 Q He wanted you to take it to Washington?

14 A Yes.

15 Q And on at least one of these occasions you went  
16 to Washington? You went by car, isn't that right?

17 A Yes.

18 Q And do you recall where you stayed on this  
19 particular occasion when you went by car to Washington?

20 A At the Quality Motor Inn.

21 Q Where is this place?

22 A Gleb Road right into Route I95 in Virginia.

23 Q What is it called, the Quality Motel?

24 A Yes.

25 Q Who did you go there with?

Haralambus-cross

1

2

A Paul P. . . . .ky.

3

Q How long did you stay there?

4

A One night.

5

Q Did you use an alien or your own name?

6

A My own name.

7

Q And Paul used his own name?

8

A I registered.

9

Q Harry Haralambus and party?

10

A Yes.

11

Q And up to the time you went down to Washington, you never met Chris Williams at all, is that right?

13

A Excuse me?

14

Q Up until the time you started going down to Washington to deliver drugs, you had never met Mr. Williams before?

16

17

A No.

18

Q He was just a voice on the telephone or C.W. to you at that point?

19

20

A Yes.

21

Q Now, after you gave this testimony to the Grand Jury in December, 1974, you testified again before the Grand Jury, isn't that true?

23

24

A I believe so.

25

Q You made two appearances before the Grand Jury?



Haralambus-cross

A I believe so.

MR. KELLY: May I have this marked for identification.

THE CLERK: Marked for identification as Defendant Exhibit M.  
(Marked)

BY MR. KELLY: (Continuing)

Q I show you Defendant Exhibit M for identification. Could you tell us what that is, Mr. Haralambus?

A That is the Grand Jury minutes of January 6th, 1975.

Q So, that was the date on which you appeared for the second time before the Grand Jury, isn't that right?

A Yes.

Q Then you again told the Grand Jury that you had stayed at the Quality Motor Inn, is that right?

A Well --

Q At page 4 of that transcript, does that refresh your recollection?

A Yes.

Q And then you were in Washington and stayed at Chris Williams' apartment, is that correct?

A Yes, on one occasion.

Q What was the longest stay you had in Chris

1 Haralambus-cross

2 Williams apartment?

3 A I don't recall.

4 Q Well, when you were there, could it have been one  
5 day, two days, or three days?

6 A About that, two or three days.

7 Q Padon me?

8 A Possibly two or three.

9 Q Was Paul Rudinsky with you on that one occasion  
10 for two or three day?

11 A At Mr. Williams' apartment, I don't believe so.  
12 I don't think so.

13 Q On this occasion that Paul went down with you to  
14 Washington, did he and you stay with Mr. Williams, at his  
15 house? I withdraw the question.

16 How many times did you go to Washington with  
17 Paul?

18 A Once or twice.

19 Q And one the occasions when you went with Paul  
20 you stayed at the Quality Motor Motel, right?

21 A Yes.

22 Q In Virginia on Route 95 on Gleb Road?

23 A Yes.

24 Q And on one occasion you think when you went to  
25 Washington with Paul, do you recall staying with Paul at



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Haralambus-cross

Chris Williams' house?

A Excuse me.

Q Do you recall staying at Chris Williams' house with Paul when you went to Washington on this other occasion?

A I recall going to Chris' house with Paul, but I don't remember staying there.

Q You don't recall any occasion in which you stayed at Chris Williams' house over night?

A I recall I did. I don't recall if Paul did.

Q And when Paul was with you in Washington on these trips during which you met Chris Williams, was Paul with you at the times you spoke to Chris Williams?

A Excuse me?

Q Was Paul with you at the times you were with Chris Williams in Washington?

A When Paul came with me, yes.

Q Pardon Me?

A When Paul came with me, yes.

Q Was Paul present during conversations that you had with Chris Williams?

A Excuse Me?

Q Was Paul present with you during the conversations you had with Chris Williams?

A Yes.

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A-123

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Haralambus-cross

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Q About how many occasions was he present with you when you had conversations with Chris Williams?

4

A Once or twice. I don't recall exactly.

5

Q And do you recall when you had these conversations with Chris Williams and Paul was present, how long these conversations took in term of minutes or hours?

8

A I don't recall -- fifteen minutes or half an hour.

9

Q Did Paul get to know Chris Williams pretty well when he was with you on these trips?

11

A I have no idea.

12

Q Well, did he have the same exposure to Chris Williams because Paul was with you?

14

A No.

15

Q You were with Chris more often than Paul was when he was with you?

17

A Yes.

18

Q Now, did you say you are not sure whether or not you stayed in Chris Williams' place over night?

20

A Excuse Me?

21

Q Are you saying that you are not sure whether you stayed at Chris Williams over night when you went to visit him down there?

24

A I'm sure I did.

25

Q You did?



Haralambus-cross

1  
2 A Yes.

3 Q On how many occasions?

4 A I don't recall.

5 Q Well, directing your attention to page nine of the  
6 Grand Jury minutes toward the bottom of the page, does that  
7 refresh your recollection as to whether or not Paul spent any  
8 time with you at Chris Williams' house? Well, you indicated  
9 there that you stayed over night with Chris Williams?

10 A Yes.

11 Q And you went out to some club with Chris  
12 Williams?

13 A I meant me and Paul went out to a few clubs.

14 Q After you came back from the clubs, did you  
15 go to Chris' place?

16 A Yes.

17 Q Well, did you stay there and Paul went some  
18 place else?

19 A It is possible. I could have left him at another  
20 friend's house.

21 Q What other friends did you have there?

22 A Marsha..

23 Q And Paul might have been at Marsha's?

24 A Yes, or at my aunt's.

25 MR. KELLY: I have no further questions.

Haralambus-cross

THE COURT: Mr. Barlow.

MR. BARLOW: Excuse me, Your Honor, may I approach the witness and take the defence exhibits.

THE COURT: Yes.

MR. BARLOW: Your Honor, at this time could we have a short side bar conference for a second.

THE COURT: Yes.

(Whereupon, counsel and the court reporter conferred with the court at the side bar, as follows:)

MR. BARLOW: Your Honor, at this time the Government moves to introduce defence exhibits G through M inclusive into evidence pursuant to Rule 612 of the Federal Rules of Evidence.

MR. KELLY: Excuse me?

MR. BARLOW: Rule 612.

THE COURT: Rule 612 would not appear to me to authorized the whole sale introduction of everything from which portions were read from for the purpose of refreshing the recollection of the witness particularly here when the witness' recollection was, or at least his testimony refreshed by what was read to him. And he confirmed it. And most of the later materials dealt with the omissions from the records that



1 Haralambus-cross

2 were produced of various things to which the witness  
3 testified here.

4 MR. KELLY: I would think Mr. Barlow has his  
5 remedy on redirect to cure anything not improper on  
6 cross.

7 THE COURT: Yes. If it relates directly to  
8 what he said after having the things exhibited to  
9 him. For example, if Mr. Kelly has used the material  
10 unfairly by just looking at the first part of that  
11 sentence, and say, didn't you say that to him, and  
12 doesn't read to him the balance of the sentence in  
13 which the witness continues on to say, no, I'm mis-  
14 taken about that. It was not that night, or that  
15 man, or that episode, but something quite other than.

16 MR. BARLOW: Then I would make a second  
17 Motion to move the Grand Jury minutes of Mr.  
18 Haralambus into evidence, and my belief is that they  
19 Defendant Exhibit L and M on the basis that the Court  
20 has already instructed the jury that only by their  
21 determinating whether or not the questions should have  
22 reasonably or I believe the Court said should have  
23 naturally elicited certain answers by Mr. Haralambus.  
24 I believe the particular point was the meeting at the  
25 World Fair Parking Lot. And I don't think they can

## Harlambus-redirect

1  
2 make that determination unless they have the Grand  
3 Jury minutes.

4 THE COURT: No. I think you must point out, too  
5 and you can certainly ask in your questions, you were  
6 asked such, and to avert that, you should describe  
7 the common terms and actions of the World Fair.

8 MR. KELLY: I agree, Judge.

9 MR. BARLOW: Well, I tried.

10 THE COURT: Because otherwise, you are putting  
11 in what you hope will turn out to be a prior con-  
12 sistent statement, and that is not the purpose for  
13 which it was used.

## REDIRECT EXAMINATION

14  
15 BY MR. BARLOW:

16 Q Mr. Haralambus, referring you to Mr. Kelly's  
17 questions about your Grand Jury testimony concerning or the  
18 lack of your Grand Jury testimony concerning the World Fair.  
19 When you were in the Grand Jury in December, 1974, Ms. Katz  
20 was the attorney for the Government that asked you the  
21 questions?

22 A Yes.

23 Q Would it be fair that she questioned you con-  
24 cerning these events in a chronologic order going from date  
25 to date?



Haralambus-redirect

1

2

A possibly, yes.

3

Q While the jury was recessed you went over

4

Defendant Exhibit G the Grand Jury testimony?

5

A Yes.

6

Q And do you remember now whether the testimony

7

went from start to finish chronologically?

8

A I don't think it did. It sort of jumped around.

9

Q In order to save time I will go on to my other

10

questions. You remember yesterday afternoon Mr. Kelly was

11

asking you some questions about the court-martial that you

12

had in the Marine Corp?

13

A Yes.

14

Q And the court-martial concerned words that you

15

said to Sergeant Kessler, didn't it?

16

A Yes.

17

Q Were you ever stationed with Sergeant Kessler

18

in Viet Nam?

19

A Yes.

20

Q Where was that?

21

A In Nang. We were in the same compound.

22

Q And did you know any of the soldiers who worked

23

or who were stationed under Sergeant Kessler at that time in

24

Viet Nam?

25

A Yes.

Haralambus-redirect

Q Did there come a time when nine of them died?

MR. KELLY: Objection. We are getting into collateral issue..

THE COURT: Well, I think in view of the nature of the testimony that was brought out on cross, he may answer.

BY MR. BARLOW: (Continuing)

Q You may answer.

A Yes.

Q Can you tell us the circumstances surrounding that?

THE COURT: Were you there?

THE WITNESS: Yes. Sergeant Kessler had my patrol that night, my squad and he took them out. The new men coming over from the States usually would have a preliminary control compound. And there is a rice pattie and ditches and like little hills that we used to run quickly over the area. And he took his men out in the field instead of the pattie and he got nine of them killed, and he himself was down in the pattie.

BY MR. BARLOW: (Continuing)

Q So, he came back?

A Yes.

Q And was he transferred very soon after this



Haralambus-redirect

happened?

A Yes.

Q And then after you came back to the United States were you and he in the same unit?

A Yes.

Q And this is when you said the words to him?

A Yes.

Q Can you tell us what happened to give rise to the threat that you made on him?

MR. KELLY: I'm going to object on the same ground.

THE COURT: Overruled.

THE WITNESS: I was the police sergeant in the company, and I usually some times stayed in my bed until about 11:00 or 10:00 o'clock, and he said I was a good example for the Marine Corp. --

THE COURT: That he --

THE WITNESS: That I was a good example for the Marine Corp. And thinking on this, I said, "Look whose talking about being an example."

BY MR. BARLOW: (Continuing)

Q What did you mean by that?

A What he did, you know, not thinking about the men's safety in Nam. And he said something, and I just ran

Haralambus-rediect

out after him and some other men grabbed me, and as he went down the stairs I said something like, "I'm going to kill you, you son of a bitch."

Q Now, Mr. Kelly also asked you yesterday afternoon about the psychiatric report and about the hallucinations that you were having. Did you recover from that?

A Yes.

Q Have you had any hallucinations since you got out of the Marine Corp?

A No.

Q And more specifically in 1973, and 1974, were you hearing voices and seeing things things that weren't there?

A No.

Q By the way, did you get any medal of accommodation for your services in Viet Nam?

MR. KELLY: Objection.

THE COURT: Overruled.

THE WITNESS: Not that I recall.

THE COURT: What was your answer?

THE WITNESS: Not that I recall.

BY MR. BARLOW: (Continuing)

Q Now, going to the case that you were indicted that Mr. Kelly was asking you about this morning. Do you



Haralambus-redirect

remember who your lawyer was in that case?

A Burton Nisonoff, N-i-s-o-n-o-f-f.

Q If you remember, were you actually in Court the day that you were officially dismissed on May 30th, 1974?

A I believe so. I don't quite recall, but I think so.

THE COURT: Would the document refresh your recollection?

MR. BARLOW: I think I can do it with some other questions, Your Honor.

(Continuing)

Q Do you remember if you were in Court the day that the other defendants in that case were sentenced?

A No.

Q You don't remember, or you weren't there?

A I was not there.

Q Did you know before May 30th, 1974, that you were going to be dismissed?

A No.

Q Did you come to the Courthouse the day that your co-defendants pleaded guilty?

A Yes.

Q Did you actually go into the Courtroom that day?

Haralambus-redirect

A No, the lawyers did and they had a conversation with the judge.

Q And did Mr. Nisonoff tell you what Judge Neaker had told us?

A Yes.

Q Could you tell us what that was?

MR. KELLY: Objection. This seems a little far afield.

MR. BARLOW: Your Honor, I will submit that this goes to his state of mind as to what he knew or the information he had about his case, and whether or not it would be dismissed.

THE COURT: At what date?

BY MR. BARLOW: (Continuing)

Q Referring you to Defendant Exhibit D for identification —

MR. KELLY: I'm going to object to anything further on this as irrelevant.

THE COURT: Well, I don't understand the ground of your objection, Mr. Kelly.

MR. KELLY: I don't understand what purpose is served by trying to find out what the defendant's state of mind was. It is clear that the case was dismissed on May 30th. I don't understand the inquiry.



Haralambus-redirect

THE COURT: Yes, I share the difference.

MR. BARLOW: Could we have a side bar, and I will make a proffer.

THE COURT: Yes.

(Whereupon, counsel and the court reporter conferred with the Court, as follows:)

MR. BARLOW: Your Honor, I can't anticipate what Mr. Kelly will argue at this time, but in the first trial of this case there was argument that Mr. Haralambus probably made a deal with the DA to become an informant again on the dismissal of the case.

The proffer of evidence will be this: That on January, I believe, 28th, 1974, before the four defendants and his case which I think was 75 CR 53, pleaded guilty, and part of the basis on which they pleaded guilty was that Mr. Haralambus and the sixth defendant Mr. Tuosto would be dismissed. And also on that day George Bishop who had the case at that time, told Judge Neaher that he would get authorization from the defendants to dismiss both Mr. Haralambus and Mr. Tuosto. And, in fact, although this won't come into the evidence, he wrote up the Form 900 for dismissal authorization the next day, on the 29th; but the dismissal didn't occur until May 30th. And I think it is highly relevant to

Haralambus-redirect

show from at least January 28th, 1974, Mr. Haralambus knew that he was going to be tried in that drug case with the other defendants, because four of them had pleaded guilty and he and the other man were going to be dismissed, and that eventually occurred.

THE COURT: Well, I think you can try to elicit from him the date on which he was advised of that and everything to dismiss the case as to him. I don't know when your authorization was received.

MR. BARLOW: I don't think the facts of the authorization and the official dismissal are the relevant parts of the evidence.

THE COURT: Well, I do because it does appear here from the interviews with Mr. Noone, it seems that cooperation extended into a very much later period, is that right?

MR. KELLY: Yes, Judge. I don't recall making such argument in the last trial at all.

MR. BARLOW: May be it wasn't the last. It may have been the trial of the co-defendants of July.

MR. KELLY: Mine was to determine whether or not during the pendency of this case, when it began, and when it ended, Mr. Haralambus was an informant, and whether he got any benefits from that. That's all I



Haralambus-redirect

asked. I asked that question and I think he indicated in the negative. I think my inquiry on that line was sterile. It may be argument for the jury, but —

THE COURT: Well, no, because there was evidence of later interviews with Mr. Noone.

MR. KELLY: I don't understand.

THE COURT: Later interviews with Mr. Noone, between him and Mr. Noone.

MR. KELLY: Yes.

THE COURT: Which was the continued cooperation.

MR. KELLY: That's right.

THE COURT: I think you may be making a mountain out of a mole's hill; but you may inquire.

(Whereupon, counsel returned to their seat at counsel table, and the trial resumed, as follows:)

BY MR. BARLOW: (Continuing)

Q Mr. Haralambus, do you remember the exact date that Mr. King, Mr. DeVito, and Mr. Malfetta pleaded guilty in that case?

A March 30th, 1974.

Q I'm showing you Defendant Exhibit for identification. Could you just look and read it to yourself on the portion that I'm showing you right there. Does that refresh your recollection as to when that date was?

Haralambus-redirect

A Yes.

Q When was that?

A Janaury 28th, 1974.

Q 1974. Now, what did Mr. Nisonoff tell you that had happened, or what he and the other Attorney and Judge Neaher had said in the Courtroom that day?

MR. Kelly; Objection.

THE COURT: No, I think the question is now up to the jury, if anything was said to him as to what happened to him at that time and by whom was it said.

BY MR. BARLOW: (Continuing)

Q You may answer?

A My lawyer Mr. Nisonoff told me.

MR. KELLY: Objection.

THE COURT: Overruled.

THE WITNESS: That the judge felt that the evidence against myself and Mr. Tuosto was insufficient. And that the Government would be interested in prosecuting us if the other four defendants took a plea. But if they didn't get a plea from the other four they were going to prosecute the whole case. And when they took the plea they pleaded to a lesser Count than the indictment stated.

BY MR. BARLOW: (Continuing)



1 Haralambus-redirect

2 Q And you no doubt knew that the four defendants  
3 did plea guilty that day?

4 A Yes.

5 Q And Mr. Nisonoff would have been the attorney  
6 that you borrowed the money from Mr. King to pay?

7 A Yes.

8 Q Now, in 1973, October, 1973, would that be about the  
9 first time that you talked to Mr. Noone?

10 Yes.

11 Q And that would be October-November, that would be  
12 about the time you had got the sample of heroin from the man  
13 named Allen?

14 A Yes.

15 Q And you continued to contact Mr. Noone -- by the  
16 way, did you ever talk to other agents of the DEA, Drug  
17 Enforcement Administration?

18 A Yes.

19 Q Do you know who they are?

20 Yes, Mr. Anderson.

21 Q Arthur Anderson?

22 A Yes.

23 Q Anybody else?

24 A Yes, but I don't recall their names.

25 Q And do you remember telling agent Noone about the

Haralambus-redirect

man Mr. Durso called Knappe?

A Yes.

Q Do you remember when you told him about the man called Knappe?

A November of '73.

Q Is it possible that you had told him about Knappe later on also?

A Yes.

Q I show you Defendant Exhibit H for identification. Can you just read that to yourself the date and that paragraph (indicating), does that refresh your recollection as to when he was told?

A Yes.

Q When was that?

A February 11, 1974.

Q After February 11, 1974, you said you talked to some agents in the FBI, and Kenneth Thompson was one of them, I guess?

A Yes.

Q That would have been about March, 1974?

A Yes.

Q Did you speak to Mr. Noone, or Mr. Anderson in March of '74?

A Not that I recall.



Haralambus-redirect

1  
2 Q Could it have been April?

3 A Yes, I believe so.

4 Q Did you speak to anybody from the DEA about this  
5 case during the time that you were dealing in the cocaine  
6 in this case?

7 A No.

8 Q So you talked to Mr. Noone, or Mr. Anderson or  
9 somebody else from the DEA during this time and you didn't  
10 tell them anything about the facts and circumstances of this  
11 case?

12 A Yes.

13 Q And when is the first time that you told any-  
14 body from the DEA about this case, if you can remember?  
15 If you can't remember the date, can you relate it to any  
16 event that might stand out also?

17 A July.

18 Q That would be July 19th, the date that Mr.  
19 Kelly had asked you about?

20 A Yes.

21 Q I believe Mr. Kelly asked you about when your  
22 drug dealings with Mr. Durso ended? After you had delivered  
23 and resold drugs for Mr. Durso, did you still owe him money,  
24 and was he still pressuring you for money?

25 A Yes.

Haralambus-redirect

Q Up until what time did he continue to pressure you for money for the drugs?

A9 Until December 13th.

Q And that was just a few days after he hit you?

A That was the day he hit me.

Q Can you tell us how he hit you?

A I was at this friend's home and he came in there, and there were other people there, and I knew this man was nuts, and I didn't know if he had a gun or not, and I told him "if you want to hit anybody, hit me." And he hit me and knocked me down and I got back up and I said —

Q How did he hit you?

A With his closed fist.

Q Do you remember where he hit you?

A Up side my face.

Q Continue, then you got back up?

A I got back up and he hit me again and they took me out and made a phone call trying to contact the people in Virginia.

Q Who?

A Peter and Bebe.

Q Yes.

A And after the phone call he talked to Peter on the phone. I don't know what he discussed. And after that he took



Haralambus-redirect

me back to my friend's house and dropped me off, and from there I went to the hospital.

Q What physically happened to you as a result of his hitting you?

A A number of bones on the leftside of my face were broken.

Q I believe you said you were in the hospital for nine or ten days?

A Yes.

THE COURT: Is this a convenient place to break for lunch?

MR. BARLOW: Yes. Your Honor, I was just going to say about the only other questions I would have pertain to Mr. Haralambus' Grand Jury testimony. And it might be better if he read this during the luncheon recess rather than take up the jury's time.

THE COURT: Ladies and Gentlemen of the jury, we will recess now until five minutes after 2:00.

Please do not discuss this case with one another, or anybody not on the jury until it is given you to solve.

(Whereupon, Court adjourned for the noon recess.)

THE COURT: Bring in the jury.

(Whereupon, the jury was seated in the jury box.)

Haralambus-redirect

(Afternoon Session)

BY MR. BARLOW: (continuing)

Q Mr. Haralambus, during the luncheon hour you and I went over both your Grand Jury minutes, didn't we?

A Yes.

Q And that was concerning Mr. Kelly's question about the Grand Jury testimony about the World's Fair meeting?

A Yes.

Q You testified on direct that you had driven Mr. Durso to the World's Fair in April, '74?

A Yes.

Q Did Mr. Marks ask you any question concerning April '74?

A No.

Q When Mrs. Katz questioned you on the Grand Jury of January, 1975, did she ask you any question about any events happening in New York at all?

A No.

Q The testimony there was mainly concerning what transpired down in Washington?

A Yes.

MR. BARLOW: I have no further questions.

RE-CROSS EXAMINATION

BY MR. KELLY:



## Haralambus-recross

1  
2 Q Mr. Haralambus, I think you indicated that problems  
3 arose between you and Sargeant Kessler at Camp Lejuene  
4 because you felt it was his poor leadership in Vietnam, is  
5 that right --

6 A Yes.

7 Q And you indicated you felt or believed as a result  
8 of something that he did or some judgement he made, some of  
9 your buddies killed, is that right?

10 A Yes.

11 Q To your knowledge was Sargeant Kessler presented  
12 to a Court Martial, or was he otherwise diciplined for the  
13 action he took or didn't take in Veitnam?

14 A I have no idea.

15 Q Were you aware at all from your contact with  
16 Sargeant Kessler that he had been demoted or otherwise  
17 diciplined for his judgement in Veitnam?

18 A No

19 Q So when you blamed him for what happened in Veitnam  
20 that was your subjective evaluation of his qualities and  
21 leadership, is that right?

22 A No many other people also felt that way. That was  
23 a familiarity with everyone in the company that we use to get  
24 two or three ambushes a week in that area. Plus there was a  
25 full moon that night.

## Haralambus-recross

1  
2 Q Did anybody make reports about Sargeant Kessler?

3 A None that I know of.

4 Q Did you make any report about his leadership  
5 qualities?

6 A No.

7 Q Well, if you felt that he was lacked in leadership,  
8 didn't you think it was your duty to bring that to the  
9 attention of the authorities when nine of your buddies were  
10 killed?

11 A I believe they were aware because he was transferred  
12 immediately.

13 Q He was just transferred as far as you know?

14 A He could have been pending a Court Martial as far as  
15 I know.

16 Q You said after Sargeant Kessler said something about  
17 your kind of Marine you had got up and gone after him you  
18 were restrained by somebody, weren't you?

19 A Yes.

20 Q You were going to do him bodily harm at that time  
21 when you were restrained?

22 A Well, we would have had a fight, yes.

23 Q When he said you were some kind of Marine, wasn't  
24 that true?

25 A Yes.



Haralambus-recross

MR. BARLOW: Objection, it is argumentative.

THE COURT: Overruled.

BY MR. KELLY: (continuing)

Q You testified here that you went A.W.O.L. on a number of occasions?

A Yes.

Q And you had other problems of psychiatric nature while you were in the Service, isn't that true?

A Yes.

Q So you were some kind of Marine?

A If you care to think so.

Q Now, you said since the time you left the Service you haven't had any psychiatric care, or any psychiatric problems at all, is that correct?

A Yes.

Q But you indicated that you had used drugs after you left the Service? That occasionally you used hallucinogenic drugs like LSD, and Speed, isn't that true?

A Yes.

Q And you mean to tell me that when you took LSD or other hallucinogenic drugs you didn't have any hallucinations?

A Very rarely.

Q You did have some then?

A If you want to call them hallucinations. They weren't hallucinations.

## Haralambus-recross

1  
2 Q Well, you were taking hallucinogen, and that's what  
3 the word means?

4 A That's what it means, but it doesn't always entail  
5 that that's what it does.

6 Q When you took drugs, whether cocaine or hallucinogen  
7 didn't you get high?

8 A Yes.

9 Q When you got high didn't you hear things and see  
10 things that you didn't otherwise hear or see?

11 A No. It is hard to explain when you get high.

12 Q In other words, you are saying if you used  
13 hallucinogen it didn't work on you?

14 A No, that is not the effect. It didn't make me  
15 hallucinate.

16 Q And you had none of the experience you had had in  
17 the service when you stared into space, and heard voices  
18 and the like?

19 A No.

20 Q Now, you said that during the time you were involved  
21 in the crimes in this case which you testified to, you were  
22 in frequent contact with Agents Noon, Anderson, and Mr.  
23 Thompson, and other agents, isn't that right?

24 MR. BARLOW: Objection. That wasn't the testimony.

25 THE COURT: Well, was that your testimony? Can



Haralambus-recross

you recall?

THE WITNESS: No, I don't think so, Sir.

BY MR. KELLY: (Continuing)

Q Well, during the time from the old days of '73, until the time you broke off with Mr. Durso in June or July, did you have frequent contacts with agents during that time?

A I had contact with them.

Q How often did you see them?

A I don't know.

Q Or talk to them?

A I don't know, not very often.

Q Well, did you talk to them in January if you recall?

A I think so.

Q Did you talk to them in February?

A Yes.

Q Did you talk to them in March?

A I don't believe so.

Q Did you talk to them in April?

A No.

Q May?

A No.

Q When you talked to them at times when you were actually doing your own routes and dealing in drugs, isn't

## Haralambus-recross

1  
2 that true?

3 A No.

4 Q Well, what did you say when you talked to these agents  
5 when they came to see you?

6 A Nothing much.

7 Q Well, you would tell them that you were working on  
8 the Durso investigation or Knappe investigation?

9 A I may have indicated that at times.

10 Q But you didn't tell them what you were actually doing  
11 with Mr. Durso at that time?

12 A No.

13 Q So you either gave them no information at all  
14 that helped, or you gave them misleading information?

15 A No.

16 Q Well, what sort of information did you give? How  
17 did you help them?

18 A I don't know how to answer that question.

19 Q You didn't tell them what you were doing on your  
20 own, did you?

21 A No

22 Q Now, you spoke about this other indictment and you  
23 indicated that the reason for the dismissal in that case had  
24 nothing to do with your being an informant SC130122, is that  
25 right?



## Haralambus-recross

1  
2 A Yes.

3 Q You mean to tell me that at no time during the  
4 pendency of the indictment you did not indicate to anybody  
5 in the Enforcement that you were an informant of the DEA?

6 A No.

7 Q You are telling us that at no time did you tell  
8 anybody that you were an informant?

9 A No. -- Would you repeat the question?

10 Q Did you tell anybody at anytime that you were an  
11 informant?

12 A No.

13 Q The fact that you were an informant had nothing  
14 to do with the dismissal of the case they had against you?

15 A No.

16 Q Did they have some evidence against you?

17 A I don't know. I never saw the evidence, never heard  
18 anything.

19 MR. KELLY: I have no further question.

20 MR. BARLOW: No questions.

21 THE COURT: You may step down.

22 (Whereupon, the Witness excused.)

23 MR. BARLOW: The Government calls Peter Mikedes to  
24 the stand.

25 P E T E R S. M I K E D E S, having been duly sworn by

Mikedes-direct

the Clerk, testifies, as follows:

BY THE CLERK: State your full name for the Court Reporter and spell you last name?

THE WITNESS: Peter S. Mikedes, M-i-k-e-d-e-s.

DIRECT EXAMINATION

BY MR. BARLOW:

Q Mr. Mikedes, would you speak loud enough so that the last juror here can hear you. Speak into the microphone and speak slow enough so that Court Reporter can take down all of your testimony.

How old are you, Sir?

A 33.

Q What do you do for a living?

A I run a restaurant in Williamsburg with my three brothers.

Q What is the name of the restaurant?

A Green Leaf Cafe.

Q Can you tell us how much education you have, Sir?

A I have two years of college at the Government community college in Washington, D.C. I also have spent eight years in the Navy Submarines as a Missile Technician.

Q Are you Mr. Harry Haralambus' cousin, are you not, Sir?

A Yes, I am.



1 Mikedes-direct

2 Q Over the years have you seen him often, or a little?  
3 Can you tell us how frequent you saw him?

4 A Two or three times a year over the holidays as a  
5 rule. My family moved from New York to Washington when I  
6 was about ten years old.

7 Q Mr. Mikedes, do you know Christopher Williams?

8 A Yes I do.

9 Q Can you point him out? Describe what he is wearing  
10 for the record?

11 A A dark blue suit with a blue tie.

12 MR. BARLOW: Let the record indicate that he has  
13 indicated the Defendant.

14 MR. KELLY: That is conceded, Your Honor.

15 BY MR. BARLOW: (continuing)

16 Q Can you tell us when you first him, Sir?

17 A I met him during the holiday of '72 -- '73  
18 through an employee of my parents' restaurant.

19 Q Do you remember what the name of the employee was?

20 A Carmen Bonita.

21 Q Have you bought any cocaine from him?

22 A Yes.

23 Q Do you remember when?

24 A After I met him. I don't recall exactly when.

25 Q Alright. Now, referring to you to Christmas time,

1  
2 Mikedes-direct

3 of 1973, did you have occasion to telephone Harry Haralambus?

4 A Yes, I did. I usually came to New York on the  
5 holidays, and I called him up to tell him that I would be  
6 arriving.

7 Q Again relating this to the Christmas, 1973, do you  
8 remember about when it was that you called him?

9 A It was right after the -- Well, it was right before  
10 Christmas. When I spoke to him he mentioned that he had  
11 cocaine, a quarter of a pound and if I knew anyone that  
12 would be interested.

13 Q What did you tell him?

14 A I thought I did. I would call him later. At that  
15 time I called Chris Williams and he said that he might have  
16 someone as well. That he would call me later in the week.

17 Q Did he call you later in the week?

18 A Yes, it was after the holidays. And he said that  
19 he did know someone and I could come over to his apartment  
20 we could make arrangements.

21 Q Did you go to his apartment?

22 A I did, and I met Carmen Bonita and Chris Williams  
23 there.

24 Q Did you have any discussion --

25 THE COURT: Where were you at this point, New York  
or Washington?



1 THE WITNESS: Washington, D.C.

2 THE COURT: You are back in Washington at this point?

3 THE WITNESS: Yes, I hadn't gone to New York yet.

4 BY MR. BARLOW: (continuing)

5 Q Can you tell us where Mr. Williams' apartment was?

6 A 16th and R. At the Cherstertown Apartments.

7 Q Can you describe the apartment?

8 A It is a large high rise in Washington. Chris  
9 lives on the top floor.

10 Q Can you describe his apartment?

11 A Two bedroom apartment. A large livingroom and a  
12 kitchen in the center area and a porch. It was on the top  
13 floor.

14 Q By porch, would that be a balcony?

15 A A balcony.

16 Q Did you have any discussions in his apartment? I  
17 believe you said that you and Carmen were there?

18 A Yes. It was just in reference to the cocaine and  
19 we would be leaving his apartment to meet Bebe Morton at his  
20 house. He was going to New York with us.

21 Q Did you know Mr. Morton at this time?

22 A No.

23 Q Did you and Mr. Williams and Miss Bonita go to Mr.  
24 Morton's?

25 A Yes. I followed Chris and Carmen to Bebe's house

Mikedes-direct

1  
2 in my car.

3 Q And when you go there was Mr. Morton home?

4 A Yes, he was in bed. It was in the A.M., early in  
5 the morning. And we roused him out of bed and once he got up  
6 introductions were made. And he got dress and we discussed  
7 going to New York and seeing if the cocaine was of any quality  
8 that could be used in Washington.

9 Q Then did you go to New York?

10 A Yes. I drove Bebe and Carmen to New York in my  
11 car.

12 Q Do you know where Mr. Williams went?

13 A I assumed he went back to his home. He did not go  
14 to New York.

15 Q Where did you go down in New York?

16 A To my cousin's Harry Haralambus in Corona.

17 Q Was he there?

18 A No, his cousin Nick Pandas was home. I had met  
19 Nick sveral years earlier in my cousin's apartment, and I  
20 introduced him to Carmen and Bebe.

21 Q Did there come a time when your cousin Harry got to  
22 the apartment?

23 A Yes, he arrived later on during the day. And  
24 introductions were made again.

25 Q Do you remember what, if anything, Mr. Morton said



Mikedes-direct

to your cousin Harry?

A Well, it was the cocaine, if he had received a sample. And he said he did. And he brought out a small portion of coke and we tested it. Snorted it and burned it with some tin foil, and dropped it in Clorox. And the cocaine seemed to be of very high quality.

Q After you tested it what did you do?

A Well, I called Washington.

THE COURT: Called whom?

THE WITNESS: Washington, D.C. Chris Williams' apartment to let him know that the cocaine was, at least, in this area of the city, the quality seemed good. We couldn't use the word cocaine or drugs over the phone.

BY MR. BARLOW: (continuing)

Q Can you tell us what words you used in conversation?

A We used a code sort of like -- Chris had a club The Coral Reef where entertainers would play for the people and the musician, the group, were rock groups and we would talk about the rock prices which would be the price of the coke, and the terms of the commission, using that general outline. You could pretty much get a message of what the quantity and quality and the prices were.

Q You said you used a code. Are you referring both to you and Mr. Williams?

Mikedes-direct

1  
2 A Yes, and Bebe as well whenever we spoke on the  
3 phone.

4 Q Do you remember what the price was that you told  
5 him?

6 A 3375.

7 Q Is that \$33.75?

8 A \$3375.00.

9 Q And who had told you what the price was?

10 A Well, Harry told me as well as it was mentioned in  
11 later discussion with Durso and Fabella.

12 Q But at this time Harry had told you?

13 A Right.

14 Q And this was for what quantity?

15 A A quarter of a pound.

16 Q What did Mr. Williams finally tell you about this  
17 cocaine?

18 A Well, he seemed satisfied with that and he said that  
19 he would wire up the commission. And he would wire it to  
20 Carmen, in her name.

21 Q Did he say he would wire it to her?

22 A Well, it was decided earlier that Carmen had a  
23 passport and she had proper identification and it would be  
24 easier for her to cash the money order.

25 Q You said this was decided earlier? This would have



Mikedes-direct

1  
2  
3 been while you were still in Washington at Mr. Morton's  
4 apartment, or Mr. Williams'?

5 A Mr. Morton's house.

6 Q By the way, again, relating it to Christmas of 1973,  
7 about what date would this have happened or day?

8 A I believe this was right before the week-end,  
9 perhaps a Friday. I am pretty sure it was a Friday.

10 Q And would that be before or after Christmas?

11 A It was after Christmas.

12 Q And before or after New Year's?

13 A Before New Year's, right.

14 Q The next day did you go anyplace from Harry apartment?

15 A Yes, we went, Harry, myself, and Carmen went to  
16 Western Union, Hillside Avenue in Jamaica to pick up the  
17 money order. Then we went and pick up Babe Morton. He was  
18 staying at a friend's house also in Jamaica. Then we returned  
19 to Harry's apartment and we waited for him to go and get the  
20 cocaine.

21 Q Do you remember who made the arrangements to go and  
22 get the cocaine?

23 A Well, Harry did. He said he was going to a friend's  
24 house Richard Fabella and if he was there he would go to the  
25 Midway Bar.

Could the witness

MR. KELLY: Would the Defendant speak up a little

Mikedes-direct

bit.

THE COURT: Yes. It is very difficult to hear you. Would you move closer to the microphone. You will have to lean foward.

THE WITNESS: Yes, Your Honor.

BY MR. BARLOW: (continuing)

Q And did Harry eventually leave that day from the apartment?

A Yes. And returned later that evening with a quarter pound of cocaine.

Q What did you do with the cocaine?

A We again tested it to make sure that it was of the quality as the sample received earlier. Also the same tests were performed and it was found to be satisfactory.

Q What did you do after the tests?

A Called Chris again in Washington at his apartment just to reiterate that the records were of good quality, a very high fidelity. That it didn't seem that there would be no problem in the band receiving a good response down in Washington.

Q And what was his response after you told him that?

A Well, he was glad that we had had some success and was waiting for Carmen and Bebe to return to Washington.

Q And after you made the phone call to Mr. Williams,



Mikedes-direct

what happened to the cocaine?

A It was taped to Carmen's person. She was pregnant at the time, and it was felt that it would be a save way to transport it to Washington and Harry and Bebe took her to the LaGuardia Airport which she took the shuttle to Washington. And I drove Harry over to his apartment and took Bebe Morton to the Pennsylvania Station where he said he would be taking the train to Washington.

Q Did you go to Washington or stay in New York?

A I stayed in New York.

Q Now, did there come a time after these events when you met Leonard Durso and Richard Fabella?

A Yes.

Q How many days elapsed after Bebe and Carmen went back to Washington?

A Two or three days. Mr. Durso and Mr. Fabella came over to Harry apartment and I was introduced to Mr. Durso at this time. The arrangements were made for additional -- Well, I guess the ground work was layed out for the purchase of additional cocaine. And the proceeds, or the profits from the cocaine would be put into the funds to purchase additional cocaine rather than having each part take out their commissions. It would be put back into the funds.

Q And who participated in the discussions or laying

1  
2 Mikedes-direct

3 the ground work?

4 A Mr. Durso, myself, Mr. Fabella, and Harry. The way  
5 it was broken down --

6 MR. KELLY: Objection. There is no question to be  
7 answered.

8 BY MR. BARLOW: (continuing)

9 Q Can you tell us how it was broken down?

10 A Fabella and Durso would take 50 percent, and the  
11 remains would be split among myself, Mr. Williams and Mr.  
12 Morton.

13 Q And then after this discussion Mr. Fabella and Mr.  
14 Durso left?

15 A Yes. They went on their way. They went back to  
16 their homes and we waited for further word.

17 Q And what did you do next after they left that day?

18 A Well, I called Washington and spoke with Chris  
19 again to find out what happened to Bebe. He said things were  
20 running smoothly and he hadn't seen him as yet.

21 Q By the way, when you were telephoning Mr. Williams  
22 during this time period, did you call him by his real name?

23 A C.W. We often referred to Chris as C.W.

24 Q Did you see Mr. Durso and Mr. Fabella again?

25 A I saw Mr. Durso and Mr. Fabella later after we had  
problems.



Mikedes-direct

1  
2  
3 Q Do you remember about how many days elapsed between  
4 the first time you saw them and the second time.

5 A Another four or five days, I think, four or five  
6 days.

7 Q So this would put it past New Year's, it would be  
8 into 1974?

9 A Yes, it was after New Year's. I had gone to his  
10 apartment because the cocaine wasn't being sold quickly  
11 enough, and they were very impatient about receiving their  
12 money. And we had a small portion of cocaine, an ounce and  
13 a half I believe and wanted to return it to him because it  
14 was not moving and it wasn't the highest quality. And they  
15 refused to take it and he punched me and knocked my glasses  
16 off my face and broke my lip. At this time I left his apartment  
17 and returned to Harry's and called up Chris and told him  
18 what had happened. And could he come up and bring some  
19 money to help pay this commission. Otherwise we were going  
20 to cease operation. They weren't going to provide anymore.

21 Q Did he indicated to you that he was going to come?

22 A Yes. I met him the next day or two days later in  
23 Manhattan at a friend of his, a friend of Chris' named John  
24 he lived on Amsterdam Avenue and 120th Street somewhere very  
25 high up. I met him there and I drove Chris to Western Union  
in Manhattan and he picked up a money order.

Mikedes-direct

Q Did he say what the money was for?

A It was for the purchase of the cocaine.

Q Did he say how he got the money?

A I don't recall. It was just that it was wired up.

THE COURT: You think it was what?

THE WITNESS: It was wired up.

THE COURT: From where?

THE WITNESS: From Washington to here, Western Union in New York.

THE COURT: Do you know how much money was wired up?

THE WITNESS: I don't recall at this time. I don't remember.

BY MR. BARLOW: (continuing)

Q From the Western Union Office where did you go?

A We went to a friend of his' apartment, Betty Gage. She lives at 23rd in Manahattan near the Water Towers high rises.

Q And when you got to her apartment who was there?

A Bebe Morton arrived later and he gave the money to Bebe. Bebe also had some pharmaceutical cocaine. And at this time he was going to use to try and sell that in New York to gain additional capital for the other cocaine.

Q How long did Chris Williams stay at Betty Gage's



Mikedes-direct

apartment?

A I think he left the next day.

Q Do you know how he got home?

A I think he flew. I don't -- I am not really sure.

Q By the way, when he was at Betty Gage's apartment was Harry there at all?

A No, he wasn't.

Q After Mr. Williams had left to go back to Washington did you go back to Betty Gage's apartment?

A I did, me and Harry, we did leave and return.

Q And who was at her apartment? Who was there when you and Harry went to her apartment?

A Betty Gage, Bebe, Harry Hackett, and Rick Daniels.

Q And did Mr. Morton have anything with him?

A Yes, he had several bottles of pharmaceutical cocaine.

Q Did he say what he was going to do with the pharmaceutical cocaine?

A Yes, he was going to try and sell it. He owed someone some money and he was going to try and use some of it to pay off the \$1,000.00, and the addition, the rest was going to be used to purchase another package of cocaine.

Q Did he say anything about the other money at that time?

A Only that he was going to have his wife fly up to

Mikedes-direct

New York and bring additional funds. She came up I believe the next day and I'm, myself and Harry, Bebe picked her up at the LaGuardia Airport and she gave the money to Bebe and he in turn gave it to Harry. And that was used to purchase the next batch of cocaine.

Q And did Harry take the money and go and meet Mr. Durso and Mr. Fabella?

A Well, I was at the apartment and Mr. Durso called asking for Harry. And Harry wasn't there. And he gave me instructions to meet him at the Kew Motel off the Grand Central Parkway. And I wrote a note to my cousin Harry and left it on the refrigerator with a little magnet indicating that I had received instructions to go to the motel.

THE COURT: Did you go to the motel?

THE WITNESS: I was instructed to wait in my car in the parking lot. I waited for a half an hour 45 minutes and I went inside, went into the lounge and decided to wait there for awhile. I waited for another half an hour or 45 minutes, and no one arrived. I went to the lobby and phoned my cousin's apartment, and there was no one there. I phoned Mr. Fabella's apartment and there was no one there. I called again and finally reached Richie and he told me to wait and call back in five minutes. So I did. And I called him again and he said Mr. Durso would meet me in the parking



Mikedes-direct

lot to go out to my car again. So I went out to my car and shortly thereafter Mr. Durso came to my car with a brown paper bag wrapped in rubber bands and he told me to open the package and test the cocaine. I did. I opened it and tested it and it was cocaine. I drove back to the apartment where Harry was there at this time with Rick Daniels and Bebe Morton.

BY MR. BARLOW: (continuing)

Q What, if anything, did you do with the cocaine?

A We checked it, we ran the same tests and found that it was of a lesser quality than the first previous cocaine.

Q After you tested it what did you do?

A We then called Chris in Washington.

Q By the way, "We" you are talking about you and Mr. Morton?

A We both spoke to him on each occassion. We told him about the quality of the cocaine. That it was not quite as good as the last.

Q What was his response to that?

A Well, we were thinking about trying to move some of it in New York because it was not going as quickly as in Washington.

Q Can you tell us where you tried to move, by moving meaning to sell?

A Right, or have it sold. There was one individual

Mikedes-direct

that we met, her name is Pearl and she also lived in Harlem I believe. But she wouldn't take the package. She didn't think that it was good enough. So, Harry, Rick Daniels, and Hackett tried to sell it in New York. And for the most part all of it was done except for about an ounce and a half or two ounces.

Q And what, if anything did you do with the remaining ounce?

A That cocaine I took back to Washington with me and gave it to Chris. And I wired the money up to Harry approximately \$1400.00.

Q And you got the money from whom?

A From Chris.

Q Now, when is the next time you saw your cousin Harry?

A I saw him the Spring I believe it was April. I had just started working with my brothers in Richmond. They were putting a restaurant together and I was home when my mother told me that Harry had called and was coming into Washington the next day. I called to see if he would be coming in and I picked him up at the train station. We were driving through Washington, I was taking him to Georgetown and I saw Chris Williams in his car. And well, he saw me as well and we flagged each other down. And this is when I introduced Chris to my cousin Harry. Chris invited us up to his



Mikodes-direct

1  
2 apartment and we went there. Harry had some cocaine with him  
3 almost a quarter pound I think and he and Chris talked about  
4 moving it. It seemed agreeable to Mr. Williams at this time,  
5 and they also discussed perhaps trading some of the cocaine  
6 for marijuana. They agreed, maybe not at this time, but perhaps  
7 at later time they might do this. And then we left the  
8 apartment. And I took Harry back to my parents home, and  
9 the next day I left for Richmond.  
10

11 MR. BARLOW: I have no further question, Your Honor.

12 THE COURT: Mr. Kelly.

13 CROSS EXAMINATION

14 BY MR. KELLY:

15 Q Mr. Mikodes, how long have you been in the  
16 restaurant business?

17 A About six years. My parents have been in the  
18 business all of my life.

19 Q And you live in what city now?

20 A Williamsburg, Virginia.

21 Q How long has this present restaurant been in  
22 operation?

23 A Since September 3rd. We spent a year building it.

24 Q And the business is successful?

25 A Yes.

Q And what is your role in the restaurant, manager?

Mikedes-cross

1  
2 A I am president of the corporation, the senior partner.  
3 I am the butcher and the head cook.

4 Q And the operation is successful?

5 A Yes, Sir.

6 Q And you told us about your education. Are you  
7 married?

8 A No, Sir.

9 Q Have you ever been married?

10 A I was married in 1966 when I was in the Navy.

11 Q Have been convicted of any crimes, Mr. Mikedes.

12 A No, Sir.

13 Q Now, you are not named as a defendant in this  
14 indictment in this case, are you?

15 A No I am not.

16 Q You have some understanding with the Government with  
17 respect to this indictment?

18 A No.

19 Q They never said to you that if you cooperate and  
20 testify with us we won't charge you with any crime?

21 A I was instructed that I was a target of an  
22 investigation during the Grand Jury.

23 Q You are not expected to be indicted and charged in  
24 anyway for any of the crimes to which you testified?

25 A I would hope not.



## Mikedes-cross

1  
2  
3 Q It would be a shock to you, wouldn't it?

4 A Yes, it would.

5 Q Now, you said that some time during the holiday of  
6 1973, you had a conversation with Harry Haralambus about moving  
7 some drugs in Washington, is that correct?

8 A Yes.

9 Q And you had been moving drugs for some time in  
10 Washington?

11 A On occasion.

12 Q Were you in the restaurant business at that time?

13 A Yes.

14 Q Were you using the restaurant business as a front  
15 for your drug transactions?

16 A No.

17 Q Well, did you deal out of the restaurant when you  
18 were dealing in drugs?

19 A No.

20 Q You met people there and later sold them drugs?

21 A No.

22 Q What sort of drugs did you deal in?

23 A Occasionally cocaine and marijuana and hashish.

24 Q Was this a hobby or something you did on a daily  
25 regular basis?

A For my own personal use and friends.

Mikedes-cross

Q So you just used cocaine and marijuana for yourself?

A Yes, I did.

Q And when did that begin?

A Well, when I was -- When I was in college I guess in 1972.

Q And would you say you became addicted to cocaine?

A No.

Q How much cocaine did you use over a year, a large amount, small amount, or what?

A When it was available I would snort it, and when it wasn't available, it wasn't available.

Q What about the way you took it, did you snort it?

A Yes.

Q You didn't take it any other way?

A No.

Q You spent how much money for cocaine?

A It is an expensive drug. At any rate it usually goes from 50 to \$30.00 a gram.

Q You weren't interested in selling cocaine, you used cocaine essentially for your personal use?

A Yes.

Q Did you at anytime -- How much did you make in money for your involvement in the cocaine transactions?

A They would pay for the cocaine that I used.



Mikedes-cross

1  
2 Q Did you make a profit at time?

3 A Sometime.

4 Q You had these conversations with Harry on the telephone  
5 and you told him you knew somebody in Washington, is that  
6 correct?

7 A That if correct.

8 Q How many people in Washington did you know who would  
9 be interested in drugs?

10 A Two or three.

11 Q Were they great friends or associates who were doing  
12 the same thing that you were?

13 A They may have been able to purchase small amounts.

14 Q Can you tell us how it came about that you used co  
15 coaine? You are very well educated and from a good family,  
16 how did you become involved in cocaine?

17 A Well, it seemed like the thing to do at the time.  
18 It was the in sort of thing.

19 Q Did you like the experiences that you had with  
20 cocaine?

21 A It was essentially a nervous stimulate. It is an  
22 interesting drug.

23 Q Could you describe some the effects that cocaine has  
24 when you use it?

25 A Well, it is sort of like -- It emphasizes your feelings

Mikedes-cross

Q Did you hallucinate?

A No.

Q You don't see or hear things or sense things that otherwise you wouldn't see sense or hear?

A Being essentially a nervouse stimulate what it does logically is increase your sensditivity, your senses. Or literally it more or less amplifies your senses. You are more in tune to color. Color seems more vivid. Sounds seem more clear. It creates a lot of energy, a lot of heat, which is created. It isn't quite proper .

Q In essence it is a stimulate and it intensifies?

A Yes.

Q But you don't see things or imagine things that you would ordinarily hear?

A No.

Q Did you ever take hallucinogens?

A I have had experience with LSD.

Q Could you tell us about your experience, did you hallucinate?

A Yes.

Q What was that like?

A Well, walls were shiming. Right at the peak of the trip lights were very intensified. Everything you looked at was just magnified.



## Mikedes-cross

1  
2  
3 Q Did you have an interest in the sensation that you  
4 felt?

5 A Yes. It was a learning experience. It is sort of  
6 like seeing yourself in a mirror inside.

7 Q When did you stop using drugs, Mr. Mikedes?

8 A After this trial --After the last trial, about  
9 three months ago.

10 Q Had you used drugs up to that time?

11 A Yes.

12 Q What drugs were using at that time?

13 A Marrijuana, hashish and occassionally cocaine.

14 Q And you have given it up?

15 A Yes, I have.

16 Q Some reason led you to do that?

17 A Well, I always had a kind or felt that it was a  
18 phase that I was going through.

19 Q And you have passed that phase?

20 A Yes.

21 Q But you were in that phase during the time of the  
22 events to which you testified to here?

23 A Yes.

24 Q And how old were you then?

25 A 31 or 32.

Q Did you have any probelm at the time that you were

Mikedes-cross

using drugs?

A No.

Q So you got in touch with Chris Williams, and Mr. Williams introduced you to Bebe Morton, is that right?

A Yes.

Q Now, you mentioned that you had went to Chris, to meet Chris through Carmen Bonita?

A Yes.

Q Could you describe Carmen Bonita for us?

A Carmen is about five-six or five-seven, very thin girl with long black hair, a combination similar to mine.

Q And she was an employee of your family?

A Yes, she worked as a waitress.

Q And she a drug user, too?

A Yes.

Q She used drugs with you?

A Yes, I have smoked in her presence, yes.

Q Now, you said when you drove to New York you drove up there with Carmen and Bebe, is that right?

A Yes.

Q And left Chris behind in Washington?

A Yes.

Q When you got to Harry apartment Nick Pandas was there?  
Who is Nick?



## Mikedes-cross

1  
2 A He is a cousin of Harry's on the other side of the  
3 family. He is a second cousin.

4 Q Nick was there when you arrived and Harry was out  
5 of the apartment at that time?

6 A Yes.

7 Q When you tested the sample was Nick there at the time?

8 A Yes.

9 Q Do you know if Nick is a drug user also?

10 A Yes.

11 Q And you knew Harry to be a drug user?

12 A Yes.

13 Q Did you know about Harry's transactions involving  
14 drugs in New York?

15 A No.

16 Q Did you ever discuss them with Harry?

17 A No, not until this year, not until the holidays that  
18 we are referring to.

19 Q You knew he dealt in drugs, didn't you?

20 A No, I didn't really know.

21 Q In other words, this was brought out when Harry said  
22 do you have anybody to buy drugs?

23 A That is right.

24 Q You hadn't been that close to Harry before?

25 A I would see him over the holiday when I came up.

Mikedes-cross

1  
2 He had a gasoline station, and I thought that was what he was  
3 doing.

4 Q Well, did you take coke together when you came up  
5 to see him?

6 A Sometimes, yes.

7 Q You knew he was a user, but you didn't know he was  
8 a dealer?

9 A I didn't know what kind of access he had and what  
10 amount.

11 Q Of course, you knew when you were using drugs  
12 involving yourself in transaction is drugs that you doing  
13 something illegal?

14 A That is right.

15 Q Did that appear to your intelligence that you were  
16 doing something illegal?

17 A It was to myself, and I didn't consider it out of  
18 any sphere of influence.

19 Q Did you consider it outside the sphere of values  
20 or within your sphere of values?

21 A During that time it seemed alright.

22 Q In other words, you felt it was alright for you to  
23 use cocaine?

24 A At one's own discretion.  
25



Mikedes-cross

Q Now, you said that when you were in New York and you had tested the samples you made a telephone call to Chris. Did you reach him at his apartment or at his club?

A The apartment.

Q And you said Chris had a club in Washington?

A Yes, The Coral Reaf.

Q Do you know where that is located?

A At the D.C. and Maryland line.

Q Have you been there?

A Yes, I have been there on one occassion.

Q When was that?

A I really don't recall.

Q Were you there with Chris?

A No, I came with somebody else.

Q And was this at any time during the time period to which you testified?

A No, this was much earlier.

Q And who suggested this code to use over the phone? Whose idea was that?

A I don't recall. I think it was just of a natural thing. You just didn't discuss or mention cocaine or marijuana over the telephone. It is just not done.

Q Is this the way you talked about things when you were using drugs and transacting business with drugs, this was the

Mikedes-cross

code you used?

A When I was talking to my friends on the phone about the quantity or the price we would generally talk in some sort of double talk or code.

Q By the way, did your family know that you were a drug user?

A Yes, my father found out.

Q Did he approve of that?

A No. He wouldn't speak to me for two years.

Q Now, when Carmen went to pick up this money that was wired up by Chris, where did you go?

A To the Western Union Office at Hillside in Jamaica.

Q You went with her at that time, didn't you?

A I drove she and my cousin Harry to the Western Union Office and she and Harry went inside.

Q Do you recall, or do you have any recollection what it looked like that office?

A Yes, it is on the corner.

Q Yes, but do you recall anything about the building?

A No, other than it was a Western Union sign outside in front.

Q You didn't go inside?

A No.

Q Carmen went indide and showed her passport?



Mikedes-cross

A With Harry.

Q Now, did these funds were wired up, when they arrived at Western Union, did they make out a card, or did they give them a money order or what?

A I think they cashed it right there.

Q In other words, you received something and Western Union cashed it into currency?

A I believe so, yes.

Q When Carmen took the cocaine back to Washington you are sure she took it by airplane, is that right?

A I believe so.

Q You are not sure? She could have taken some other way?

A I didn't see her get on the airplane.

Q Did you go to the airport with her?

A Yes.

Q Was that where you took her to the airport?

A Yes.

Q Then you took Bebe to the train station?

A That is right.

Q What train station?

A Penn Central.

Q Now, when Chris came up to New York pursuant to a telephone call that you had made to him, when did he come up, if you recall?

Mikades-cross

A I don't know. I don't recall the date.

Q The first week of January, or the second week?

A It may have been between the first or second of January. I don't recall. I don't recall him coming up.

Q You met him when came up at the station or the airport or someplace else?

A No. I never met him there, only at John's place who lives on Amsterdam Avenue and 120th Street or 125th Street. It was in that area.

Q Do you recall going to John's house?

A Yes.

Q Can you describe the house for us?

A It was a building, it was a corner building, but the entrance way was several doors down on the side street, not on the main street which was Amsterdam, it was a side street. I think he lived on the second or third floor.

Q And when you went there there were you, Chris, and John at that time?

A Yes.

Q What did John look like?

A He was an older gentlemen in his 70's I believe.

Q Could you describe him?

A Oh, I guess he was about five-six or seven, a Negro, with greyish hair.



Mikedes-cross

Q How long did you stay in his apartment?

A About an hour.

Q And did you talk about drugs at that time?

A Small talk. He was talking about or referring to C.W. as his. Chris grew up in New York, and John, I guess, took care of him when he was real young.

Q Was John in the drug business, too, that you know?

A No.

Q He didn't use and cocaine or any drugs?

A No.

Q Now, when you drive Chris to the Western Union to pick up some money, what Western Union Office did you go to at that time?

A It wasn't the one in Manhattan. I think it was in Brooklyn near Flatbush Avenue or something.

Q Well, this apartment of John's was on Amsterdam Avenue in Manhattan?

A Yes.

Q Did you leave there with Chris to go to the Western Union Office to pick up the money?

A Yes.

Q He didn't pick it up in Manhattan, but went to another borough to pick it up?

A As I recall, I remember going to this -- Yes, it

Mikades-cross

wasn't in Manhattan.

Q It might have been in Brooklyn?

A Yes.

Q And would you describe the Western Union Office for us?

A It was in a run down area it seemed.

Q Well, did you go inside?

A No.

Q And how did you and Chris go to the Western Union Office?

A In my car.

Q Did Chris tell you who was wiring him the money?

A No, I don't recall.

Q Now, where did Betty Gage live.

A She lived on the 23rd floor of a high rise near the water.

Q Did the high rise have a name?

A I don't remember. I don't recall any name, I just know where it is.

Q Could you get there now if you wanted to?

A Yes, I could.

Q Have you been there recently?

A Not since two years ago.

Q And Bebe came and Chris gave him the money, is that



Mikedas-cross

right?

A Yes.

Q Now, did Bebe tell you where he got the pharmaceutical cocaine from?

A Only that it was from New Jersey or somewhere.

Q He had the pharmaceutical drugs, or cocaine with him at the time that he arrived at Betty Gage's apartment?

A Initially he had a small amount, one bottle.

Q Well, did he leave at any point and go out to get some more and come back?

A Later on during the transaction when he returned from Washington he stopped in New Jersey and got the additional pharmaceutical cocaine.

Q What did Chris Williams do, if anything, at the time he was in the apartment?

A At Betty Gage's?

Q Yes. And who was in the apartment at Betty Gage's?

A Myself, Betty Gage, Chris, and Bebe.

Q How about Harry Haralambus, and Hackett and Daniels?

A I don't believe they were there.

Q Harry wasn't there?

A No.

Q Do you know where Harry was at that time?

A No, not really.

Mikedes-cross

Q Harry came later, did he?

A Yes. I went and picked Harry up later.

Q How long did Chris stay in New York?

A I guess he just stayed in New York for a day. It wasn't very long.

Q And the only thing he did was to accept the money from Western Union and he gave that to Bebe?

A Yes.

Q Was he present when any of this pharmaceutical cocaine was present?

A There was some there at the time he was and he snorted some.

Q Did you all snort some at that time?

A Yes, we did.

Q Now, when Bebe's wife came up from Washington with the money that was required, did you go to the airport to meet her?

A Yes, I drove Harry and Bebe to the airport.

Q And did you meet Mr. Morton's wife?

A Yes, she was introduced as wife.

Q Do you know her name?

A Charmaine.

Q Could you describe her for us?

A A very attractive lady, I guess about 28 or 29 years



Mikedes-cross

old, a very thin, attractive woman.

Q And did you have some conversation with her after you were introduced?

A No.

Q What transpired after she came up?

A She gave Bebe the money.

Q And where did she give him the money, right there?

A No, when she was in Harry's apartment.

Q You mean his wife went over to the apartment?

A Yes, I think so. I believe we drove there. It wasn't very far from LaGuardia, it is a matter of a mile.

Q And after the money had been turned over to Bebe by his wife, his wife went back to Washington, she just stayed a short period of time?

A That is correct.

Q So you are saying, going back to the time when Chris was still in New York, you are saying that there was no time that Harry and Chris was not together at the same place?

A Harry Haralambus?

Q Yes?

A That is correct.

Q You are sure of that?

A I am pretty sure that they didn't meet until Harry was in Washington.

Mikedes-cross

Q You remember that because you introduced Harry to Chris Williams?

A Yes.

Q Now, when you picked up this cocaine from Mr. Durso, you picked it up at the Kew Motel, is that right?

A Right.

Q And that is K-e-w?

A K-e-w.

Q Had you ever been there before?

A Just that one time.

Q Would you describe that place for us?

A Well, as you drive up the Grand Central Parkway coming out of the city, I don't know how far it is, but you come up and around and up a hill and it curves, it is off to your right in white big letters K-e-w are the letters

Q And you just met him at the parking lot?

A I was waiting in the parking lot, and then I waited in the lounge and then I came back to the parking lot, yes.

Q And he gave you that cocaine to you in a brown paper bag wrapped in rubber bands.

A Rubber bands, that is correct.

Q How big was the bag?

A About this big, maybe four inches by three inches and two inches thick



Mikedes-cross

Q Is that the usual manner in which cocaine is stored?

A I don't know. That is the way I received it. It was in baggies inside of the bag.

Q Now, when you determined that this cocaine was not good enough quality to perhaps be sold in Washington, you all determined that you would try to get rid of it in New York, is that right?

A Yes.

Q And you went to see a person named Pearl who lived uptown?

A Yes.

Q Where did Pearl live?

A In a very tall building in Harlem. I guess it is Harlem. It is near the famous theater, the Black theater Appollo.

Q Near the Appollo Theater?

A I remember driving by the Appollo.

Q Can you tell us anything about what the Appollo looked like, and what building were near or adjacent?

A There were some other tall buildings around, but they weren't near many.

Q Do you recall any of the building that were in the vicinity?

A No.

Mikedes-cross

Q You said that you could go back to Betty Gage's apartment?

A Yes.

Q Could you go back to Pearl's apartment if you wanted to go there?

A No, I wouldn't know which building.

Q Can you describe where it might be, a tall building near the Appollo Theater?

A Yes. The only reason I say the Appollo Theater is because I remember seeing the Appollo Theater that evening for five or ten minutes. I don't recall which building. But I had gone to Betty Gage's apartment on more than one occassion.

Q Now, you had a little cocaine left and you took that back to Washington and you sold that to Chris?

A Yes.

Q Where did you sell it to Chris?

A In his apartment.

Q And that was at 16th and R Streets?

A 16th and R.

Q And the name of that is The Chestertown Apartments?

A That is right.

Q You could find that if you wanted to find it?

A Yes.

Q And when you wired the money up to Harry to give Mr.



Mikedes-cross

1  
2 Durso, how did you wire it up?

3 A Western Union.

4 Q From Peter Mikedes to Harry Haralambus?

5 A I sent it Savas Haralambus, that is his father's  
6 name.

7 Q You sent it to his father?

8 A No, I sent it to Harry Haralambus, I just signed his  
9 father's name rather than my own.

10 Q Was there some reason for that?

11 A A little paranoia.

12 Q You thought you might be incriminated in someway,  
13 so you used another name?

14 A Yes.

15 Q When you wired up the money did you get some sort of  
16 receipt to hold on to?

17 A Yes.

18 Q Do you have the receipt, or did you throw it away?

19 A Yes, I threw it away.

20 Q Did Harry call you up and tell you that he had  
21 received the money?

22 A Yes, he did.

23 Q How much money was wired up?

24 A I think about \$1400.00.

25 Q That was the result of getting money from Chris

Mikedes-cross

Williams for the ounce and a half?

A Yes.

Q And that was the going rate for an ounce and a half?

A Yes, about that, right. It is little less actually. It depends on the quality of the cocaine really.

Q Now, when you picked up Harry at the train station, you picked him up at the train station in Washington?

A Union Station.

Q There is just one station in Washington?

A Yes.

Q And you just by chance happen to see Chris and that is when these introductions were made?

A Yes, that is right.

Q And it was around that point that you dropped out of the picture and you left Harry and Chris to perform their transactions with each other, is that right?

A Yes, that is correct.

Q Did you ever see Chris give Harry any marijuana that you mentioned that there might be an exchange of marijuana for cocaine? Did you ever see that accomplished?

A No, I never did.

Q And this was around what time of year?

A April or May, the Spring. The weather was warm.

Q And you went to Richmond at that point, is that



Mikedes-cross

correct?

A That is right.

Q Did you have any contact with Harry after you went to Richmond?

A Only by phone in September that Mr. Durso was threatening.

Q And Harry called you on the phone and told you to send up some money, is that right?

A Yes. I spoke to Mr. Durso and he said he wanted 5, and he threatened me that if I loved my cousin I would do so, or otherwise he would come down to D.C. and fix me as well.

Q What did you understand by 5?

A I thought he meant \$500.00. I didn't understand what the problem was. And it turned out to be \$5,000.00.

Q And you wired that up to Harry?

A I believe it was a Saturday night. I told him that I didn't know how fast Western Union would deliver it, but that I would have my mother wire it up to Harry. So after I hung up the phone I called my mother to loan me \$500.00 to lend to my cousin and she said she would wire it up or send it the next day. Later on that evening or very early the next morning I received a call from Kathy Ross --

THE COURT: From whom?

THE WITNESS: Kathy Ross, a friend of Harry's, a

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BY MR. KELLY: (continuing)

A Yes, it was.

A Yes, Mary Mikedes. She sent it to Thelma Haralambus  
are of Kathy Ross.

A In care of Kathy Ross.

**A Right.**

THE CLERK: Marked for identification as Defendant  
bit N.

BY MR. KELLY: (continuing)

A This a statement that I wrote out for the prosecuting



Mikedes-cross

attorneys.

Q This is your statement that was typed up by the attorneys for the Government, is that right?

A Yes.

Q And do you recall approximately when that statement was given to the Enforcement Authorities?

A Just prior to the first trial, I think about two weeks before then.

Q When was the first trial, last year?

A Yes.

Q What month?

A I don't know -- It was February -- I am not really sure.

Q Had you testified before giving that statement to the Grand Jury?

A Yes.

Q Now, when these series of transactions began, did Harry call you, or did you call Harry?

A I called Harry first to let him know I was coming up for the holidays.

Q Then you got into the conversation for the drugs?

A I was coming for the holidays, that was the reason for my going to New York originally.

Q Now, when you went up to New York with, you can refresh your recollections from the statement, did you have

Mikedes-cross

any funds with you at that time?

A Only part of it.

Q Now, when you went up with Bebe Morton and Carmen Bonita did you have the full amount of the funds that was required to pay for the drugs when you got to New York?

A No.

Q Did you have some amount of the money?

A I don't remember how much it was. I didn't have any money in the operation at all.

Q Who put up the money in the operation?

A Bebe and Chris provided the funds. They were purchasing the cocaine.

Q In other words, you came up with some money, and then the balance of the money was obtained from Carmen going to the Western Union and picking up the balance, is that right?

A That is right.

Q Now, directing your attention to page two of that Exhibit, and directing your attention the end of the first paragraph? Does that refresh your recollection about talking in code to Chris on the telephone? Are you sure you talked to Chris in code on the telephone?

A Yes.

Q Is there anything in that statement that you have written there to indicate that you talked in code on the phone?



Mikedes-cross

1  
2 A No. This is just an overview of the events. You  
3 can't really write what happened in two or three weeks in  
4 four pages. It is just impossible to outline it.

5 Q You could write that because of the short space?

6 A I just didn't mention it.

7 Q You didn't think it was important?

8 A Not that it was not important, I just didn't think  
9 of it.

10 Q You thought of instances that you were in touch with  
11 Chris using normal language or codes, is that correct?

12 A Right.

13 Q Now, you say you took Carmen to the airport? You  
14 drove her to the airport, is that right?

15 A That is right, Harry and myself and Bebe.

16 Q You took Bebe to the train station, is that correct?

17 A That is correct.

18 Q I draw your attention to the first line after the  
19 section that I just referred to, does that refresh your  
20 recollection as to who went where?

21 A This is incorrect.

22 Q That is incorrect?

23 A That is right.

24 Q It is incorrect in what way?

25 A In that I didn't take Mr. Morton to the train

Mikedes-cross

station.

Q You indicated that you took both of them to the train station?

A That statement was written many, many months after the events took place, and they weren't exactly fresh in my mind.

Q Is your mind fresher now than it was when you wrote this statement, is that what you are saying?

A Not really. It's just that there has been so much discussed on the matters, testimony, just going over and over again details.

Q Your memory is getting better, it is getting easier, and you remember these things?

A Yes.

Q Now, drawing your attention to page three of that statement, Mr. Mikedes, the very first part of the paragraph on page three you said that your testimony was correct, that Harry and Chris never met when Chris was in New York, isn't that right?

A Yes.

Q Well, can you refresh your recollection by looking at the material to which you made an indication?

A When I wrote this I made a statement to Mrs. Katz, and I wasn't really sure whether they had met in New York or



Mikedes-cross

not. I really wasn't that sure. And as again there have been some subsequent discussions, and I don't believe that they did meet in New York the first time. I believe they met in Washington.

Q But that was the statement you gave that they met in New York. And you said we went to the Western Union together. That was wrong, too, because only you and Chris went to Western Union?

A Chris and I.

Q And you didn't include Harry?

A No, Harry wasn't there. Just Chris and I.

Q And when you indicated that Chris and Harry met in New York that reflection is incorrect?

A That is right.

Q Now, drawing your attention to the second paragraph on page three, would you look that over to see if that refreshes your recollection?

A Additional cocaine --

Q Yes, that paragraph, read that to yourself? Now, when Bebe -- I am sorry you haven't finished.

A Yes.

Q When Bebe wife came up you met her at the airport, is that right?

A Yes.

## Mikedes-cross

1  
2  
3 Q What did you say her name was?

4 A Connie.

5 Q Could it have been Sandy?

6 A Well, there are two names, Sandy or Connie that I  
7 mentioned in my statement.

8 Q Sandy or Connie?

9 A Yes.

10 Q Now, are you sure it is Connie?

11 A It was told to me that it was Connie.

12 Q Somebody told you that it was Connie?

13 A Yes.

14 Q Did you mention in this statement that Connie had'  
15 come over to the apartment when she came to New York, she  
16 went over to the apartment with you, to Harry place, didn't she?

17 A Yes.

18 Q So that part of the statement is not correct either  
19 because you indicated that she flew right back?

20 A It's just a matter of conciseness in the report.

21 Q In other words, you left out the part of going to  
22 the apartment because you didn't think it was too important?

23 A The idea was that she came from Washington to New  
24 York by plane.

25 Q That was the essence of it?

A Yes, that was the essence of it.



Mikedes-cross

Q You think that the details are more important now then when you were testifying?

A Well, some of the questions you bring out more details then what is just in the statement. I didn't have anyone to perhaps refresh my memory or to ask certain questions there could be some thing that I could explain.

MR. KELLY: I have no further questions.

THE COURT: Mr. Barlow.

REDIRECT EXAMINATION

BY MR. BARLOW:

Q Mr. Mikedes, referring you to Defendant's Exhibit N for identification I think you said that you had given the information and that it was typed up about February of last year?

A I don't recall when it was. I don't recall.

Q Let me ask you this then? In reference to -- By the way, you testified in the Grand Jury?

A Yes.

Q Relating it to the time that you testified in the Grand Jury, was it before or after that time?

A After.

Q Shortly thereafter, or a long time?

A A couple of months.

Q Since you gave that statement, have you gone over the

Mikedes-redirect

testimony with Agent Brian Noon?

A Yes.

Q And before I was assigned to the case you went over the testimony with Marsha Katz who had the case previously?

A That is correct.

Q Can you tell, if you can, all together how many hours you spent preparing for the testimony and giving testimony up to this time?

A Well, I think the Grand Jury was at least an hour and half on each session, and that was twice.

Q Without going into what it was for each time, add it up in your head mentally and give us an estimate?

A I would say about 20 hours.

Q And that is including the Grand Jury testimony and the preparation for all of the evidence 20 hours would have occurred after you gave that statement, is that fair?

A Yes, definitely.

MR. BARLOW: I have no further questions.

THE COURT: Mr. Kelly.

RECROSS EXAMINATION

BY MR. KELLY:

Q Mr. Mikedes, you testified that you spent a lot of time with Mr. Barlow, and you spent a lot of time with Mrs. Katz, and you spent a lot of time with Agent Noon, many, many



Mikedes-recross

hours, is that right?

A That is correct.

Q Did you spend much time talking to your cousin Harry Haralambus about your testimony?

A No.

Q You haven't talked to him about it at all?

A No.

Q You didn't know what he was going to say, and he didn't know what you were going to say?

A Well, we know what happened. And he just told his part, and I am telling my part. The time and events were the same essentially.

Q It should fit together?

A Pretty fairly well. There is some difference because we just don't remember all of the same things. But in the pre-trial works many, many questions are asked that we were not asked in the Grand Jury that brought out more details, and that is what essentially has happened.

Q So at this point you are really on top of it now, you recall all the details?

A No, I can not really say.

Q You still left out some?

A Not to my knowledge. But there are things that I don't remember even now, whether I left them out or not. It

1 Mikedes-recross

2 just that it happened such a long time ago, and every time  
3 I go to trial I remember something, and some things I don't  
4 remember.

5 MR. KELLY: I have no other questions.

6 THE COURT: You may step down.

7 We will take a short recess.

8 Members of the Jury do not discuss this  
9 case with one another or with anyone else until it is  
10 given to you to decide.

11 (Whereupon, Court recessed.)

12 BY MR. BARLOW: The Government calls Paul Rudinsky.

13 P A U L R U D I N S K Y, having been duly sworn by the  
14 Clerk of the Court, testified as follows:

15 THE CLERK: Would you state your name for the  
16 record, please.

17 THE WITNESS: Paul Rudinsky, R-u-d-i-n-s-k-y.

18 THE CLERK: Be seated please.

19 DIRECT EXAMINATION

20 BY MR. BARLOW:

21 Q Mr. Rudinsky, how old are you, Sir?

22 A Excuse me?

23 Q How old are you?

24 A 28.

25 Q What do you do for a living?



Rudinsky-direct

A I am a funeral director in New York.

Q Can you tell us where you were living in the early part of 1974?

A In Israel.

Q When did you return to The United States from Israel?

A June 19, 1973.

Q Excuse me, '73?

A '74.

Q Do you remember where you went to, what airport did you come into from Israel?

A I came to the Kennedy Airport and I went to a friend of mine's house on Roosevelt Avenue in Jamaica Heights named Varvarigos.

Q And when you got to Mr. Varvarigos house was he there?

A Yes, he was.

Q Was he there with anyone else?

A Harry Haralambus was there also I believe.

Q Had you known Mr. Haralambus before?

A Yes, I had known him about five years.

Q And did Mr. Haralambus have anything with him at Mr. Varvarigos' house?

A Yes, he had a shot glass full of cocaine.

Rudinsky-direct

Q And did you do anything with that?

A We used it.

Q Did Mr. Haralambus have any other cocaine besides the shot glass full?

A He had some more in another room, yes.

Q And did you see this?

A Yes.

Q About how much was this?

A About I would say a quarter of a pound.

Q And did there come a time when you left Mr. Varvarigos' house?

A Well, later on that night I drove Harry to the airport to LaGuardia.

Q Did he say where he was going?

A That he was going to Washington, D.C.

Q Did he have the cocaine with him?

A Yes, he did.

Q Now, referring you to about two weeks after these events, did you see Mr. Haralambus at Mr. Varvarigos' apartment?

A Yes.

Q Who was there beside him?

A Can you be more specific as to the actual time. At that time I was living there and Harry was there many times.

Q Was there a time in that time frame when Harry



Rudinsky-direct

Haralambus was there and --

THE COURT: He said at what time frame?

MR. BARLOW: Excuse me, Your Honor?

THE COURT: What time frame?

BY MR. BARLOW: (continuing)

Q At the time when you both were in the apartment, about how much time had expired after June 19?

A It was weeks. I am not sure exactly how long it was, within the next month.

Q Did Mr. Haralambus give Mr. Pandas anything at that time?

A He gave him a sum of money in an envelope to deliver to someone.

Q And while you were there did Mr. Haralambus tell Mr. Pandas what to do with the money?

A Yes, it was to be delivered to Mr. Durso.

Q Did you know Mr. Durso at that time?

A Not at that time. I had never met him up to that point.

Q Now, did there also come a time when you went with Mr. Haralambus to Washington?

A Yes.

Q Was this after the meeting where he gave Mr. Pandas the money?

Rudinsky-direct

1  
2 A I believe the first time I went to Washington, I  
3 believe it was before. I am not sure. I believe it was before.

4 Q Do you remember how you got down to Washington?

5 A By car.

6 Q Do you remember where you stayed?

7 A We stayed in a motel outside of Washington, D.C.

8 Q When you got to Washington did you go anyplace  
9 before you went to the motel?

10 A Yes, we went first into Washington. We went to Mr.  
11 Williams' apartment.

12 Q Had you known Mr. Williams before then?

13 A No.

14 Q Do you see Mr. Williams now?

15 A I really can't say. I don't remember exactly what Mr.  
16 Williams looked like. I have no recollections of the person.

17 Q And in any event Mr. Haralambus introduced you to him?

18 A Yes.

19 Q Do you remember where his apartment was?

20 A I believe it was 16th and P in Washington.

21 Q Do you remember what the building looked like?

22 A Yes, it was a massive type apartment building with  
23 a massive entrance, the lobby was very large with a large floor  
24 which was quite a walk from the elevator, as I remember.

25 Q Can you describe Mr. Williams' apartment?



Rudinsky-direct

1  
2 A As I remember it seemed to be a corner apartment.  
3 There were windows just about everywhere. And I remember seeing  
4 a bedroom and a kitchen and what would be a living room and  
5 terrace.

6  
7 Q Did you over hear any conversation between Mr.  
8 Williams and Mr. Haralambus at that time?

9 A Yes. Harry was asking him for money.

10 Q Did he say why he needed the money?

11 A He needed the money to pay for cocaine. That was  
12 basically the purpose of the trip and going down in the first  
13 place.

14 Q Had you been told this before you went down, or on  
15 the way?

16 A Mostly on the way.

17 Q What response did Mr. Williams say to this question?

18 A He said the money was more or less -- It wasn't  
19 exact words, he just said the money wasn't available because  
20 Harry didn't go back with it.

21 Q Did you go with Mr. Haralambus again to Washington?

22 A Yes.

23 Q Are there any events that you can relate this trip  
24 to in determining the time?

25 A Well, it was about the time -- We ran into, I  
remember, a large Greek demonstration, you know, at that time.

Rudinsky-direct

As far as the date, I don't remember.

Q Did you see Mr. Williams this time?

A Yes, I did. We did for a short period of time.

Q Did you over hear any conversation between Mr. Haralambus and Mr. Williams?

A It was, I guess, a rehash of the first conversation. It was the same topic. He was asking for money and not receiving it.

MR. BARLOW: I have no further questions of this witness, Your Honor.

THE COURT: Mr. Kelly.

CROSS EXAMINATION

BY MR. KELLY:

Q Mr. Rudinsky, how long have you been a licenced funeral director?

A Since 1970.

Q And it is your business, or are you a partner?

A I hold the licence.

Q How much education have you had?

A Two years of college, plus a year of college.

Q Where did you go to college?

A I went to Hasdale Community and Ferndale, Long Island.

Q Are you married?

A Yes.



3  
1 THE CLERK: United States of America versus  
2 Christopher Williams.

3 THE COURT: Are we ready to proceed?

4 MR. BARLOW: Yes.

5 MR. KELLY: Yes.

6 THE COURT: Bring the Jury.

7 (Whereupon the Jury was seated in the Jury  
8 Box.)

9 W I L L I A M M O R T O N, having been duly sworn  
10 by the Clerk of the Court, testified as follows:

11 THE CLERK: Would you state your full name for the  
12 record, please?

13 THE WITNESS: William Morton, M-o-r-t-o-n.

14 THE CLERK: Thank-you, please be seated.

15 (Whereupon the Witness was seated in the  
16 the Witness Box.)

17 DIRECT EXAMINATION

18 BY MR. BARLOW:

19 Q Mt. Morton, would you speak loud enough so that  
20 Juror down at the end of the box can hear you, and the  
21 Alternate can hear you. So, would you speak into the  
22 microphone like this (indicating)? How old are you, Sir?

23 A Thirty-one.

24 Q Are you presently in school, Sir?

25 A No, Sir.

Morton-direct

Q You have just finished this semester?

A Yes.

Q And where was that?

A Bowie State College, Maryland.

Q And that would be just outside of Washington?

A Yes.

Q Are you married, Sir?

A Yes, I am.

Q Any children?

A Yes.

Q Is your wife working right now?

A Yes, Sir.

Q Referring you to the winter of 1973, and '74, were you employed then, Sir?

A Yes, I was.

Q Can you tell us what you were doing then?

A I was the manager of a fast food restaurant.

Q Would that be Blimpie's Corporation?

A Yes.

Q And during the time of '73, and the first half of '74 where were you living?

A In Seat Pleasant, Maryland.

THE COURT: In where?

THE WITNESS: In Seat Pleasant, Maryland.



1

Morton-direct

2

BY MR. BARLOW: (continuing)

3

Q Seat Pleasant, Maryland?

4

A Yes.

5

Q Seat Pleasant is where in relation to Washington,

6

D.C.?

7

A It is approximately a mile. Where I live it is

8

approximately a mile to cross the Washington D.C. line.

9

Q Now, do you know a man named Christopher Williams?

10

A Yes, Sir.

11

Q Do you see him in The Courtroom today?

12

A Yes.

13

Q Can you point him out? Can you describe what he

14

wearing for the record?

15

A Yes, Tweed jacket and grey pants.

16

MR. BARLOW: Let the record indicate that the

17

Witness has indicated the Defendant.

18

(continuing)

19

Q Do you remember where you first met him, Sir?

20

A Yes, Sir I do. To the best of my knowledge the

21

first time I met him was in front of my store on Georgia

22

Avenue where I was working.

23

Q Were you introduced to him by anyone?

24

A Yes. I think so. Yes, I was.

25

Q Do you remember who that person was?

Morton-direct

A Charles Lewis.

Q Where did you know Mr. Lewis from?

A He is from Washington. I had known him for quite a long time from my childhood. We were brought up together.

Q Now, relative to Christmas of 1973, was this introduction before or after Christmas of '73?

A Before Christmas of '73.

Q Can you tell us how many months before, Sir?

A It was warm. Perhaps it was in June, or maybe, say, somewhere around there. It was warm.

Q Did you have any conversation with Mr. Williams at that time, Sir?

A Yes. But I don't remember exactly what the conversation was verbatim.

Q Do you remember the substance of it?

A Yes.

Q Can you relate to us what the substance of the conversation was?

A I had given Charles some cocaine to give -- I didn't know who he was going to give it to at the time. I gave Charles some cocaine to sell for a friend of mine. The package wasn't any good -- The cocaine wasn't any good. I imagine Charles --

MR. KELLY: I object to what he imagined.



Morton-direct

THE COURT: No, just tell us what the talk was about?

THE WITNESS: Well, from the way things were I would say Charles gave the cocaine to Chris.

BY MR. BARLOW: (continuing)

Q Just to get it straight, you had given the cocaine to Charles before or after you were introduced to the Defendant Mr. Williams.

A Before. And Charles came by the store to get more because the people that I got the cocaine from wanted it back or the money for it. And we walked out to Chris' car and sat in the car and Chris gave the cocaine to Charles and Charles in turn gave it back.

MR. KELLY: Your Honor, I object. This is outside the scope of the indictment.

THE COURT: Overruled.

BY MR. BARLOW: (continuing)

Q Do you remember what car Mr. Williams had?

A Yes. I believe a Chevy Stationwagon.

Q Now, after this time 1973, did you have an occasion to see Mr. Williams during the summer and fall of 1973?

A Yes.

Q By the way, did there come a time when you found out what he did for a living?

A Yes. He owed a club in Darnhill, Maryland which is

Morton-direct

called the Copa Leaf.

Q Can you tell us where Darhill is in relation to Washington?

A It is again across the District line. As a matter of fact, Southern Avenue is the dividing line between them. His club was on the Maryland side of Southern Avenue.

Q Would that be on the same side of Washington that Seat Pleasant is, or on the other side?

A It is perhaps three miles, 3 to 4 miles from Seat Pleasant.

Q Did you have occasion to see Mr. Williams at the club several times then.

A Yes.

Q Now, drawing your attention to December, '73, did you have occasion to meet Mr. Williams again?

A December -- I am trying to remember. It has been awhile. I am sure, yes -- Yes, because it was around the Christmas Holidays.

Q Okay. When you met Mr. Williams did you have anything with you, then, Sir?

A I am sorry.

Q When you met Mr. Williams at this time in December, 1973, did you have anything with you?

A Did I have anything with me?



Morton-direct

2 Q Yes, Sir?

3 A You mean with reference to drugs?

4 Q Yes?

5 A I don't remember. But during that period I did have a  
6 lot of drugs with me because I was a user. And I am quite  
7 sure there would have been times during that period when I  
8 met Mr. Williams and there were drugs.

9 Q Did you have an old friend who had a gas station  
10 at that time?

11 A Yes.

12 Q Now, does that refresh your recollection about  
13 the meeting you had with Mr. Williams then?

14 A Yes. I remember the meeting I just don't remember  
15 whether it was in December or not. That is the problem. I  
16 had a friend who had a gas station and he wanted to know if  
17 I knew someone who could handle a package of cocaine. And  
18 I told him, perhaps. And I contacted Chris and asked if he  
19 could take it and he had said, "Yes." So I gave him the  
20 package and he said he would sell it for me and I would give  
21 the money back to my friend at the station.

22 Q Do you remember how much money your friend was  
23 supposed to receive?

24 A In the neighborhood of \$3,000.00.

25 Q Have you gotten any of that money back from Mr.

Morton-direct

Williams?

A No.

Q Do you know whether he got any money ever?

A Yes, the money he got was from my personal money.

Q How much money did you give, Sir?

A Maybe \$1,000.00.

Q Now, after you had given the cocaine to Mr. Williams, did you contact him at anytime about the money?

A Yes.

Q When you contacted him about the money did Mr. Williams say anything about any other cocaine at that time?

A Yes, he did.

Q Can you tell us what he told you?

A Yes. He told me he knew someone in Washington who had some better cocaine because the cocaine I gave him wasn't good at all.

Q Now, in relation to the Christmas of '73, again, can you place this conversation you had with him and you asked him about the money and he said he had better cocaine in New York?

A Vaguely.

Q Well, as best you can?

A I beleive it was in his apartment at the time.

Q By the way, where is that located?



Morton-direct

A 16th and R Streets.

Q Can you describe the apartment building, Sir?

A Yes, it is perhaps a ten story apartment building. For Washington it has a lot of units, for Washington maybe 200 units or something. It is a rather old building.

Q Can you describe Mr. Williams' apartment, Sir?

A Yes, it was a two-bedroom apartment. It had a balcony and a lot of window area. It is rather open.

Q Now, several days after you had this conversation with Mr. Williams did you have occasion to see him again, Sir?

A Yes.

Q Do you remember where that was?

A It was in his apartment again.

Q Did you have any discussion at that time in his apartment?

A Yes.

Q Can you tell us what was said?

A At the time that I remember there was another person there, Peter Mikeses.

Q Had you met him before?

A No, I hadn't.

Q And had Mr. Williams introduce you to him?

A Yes.

Q Do remember any discussion that happened that day

Morton-direct

A It was discussed, we talked about going to New York to get the better cocaine. That was the gist of the conversation. As far as the exact words, I don't remember.

Q And did you see Mr. Williams the next day, Sir?

A Yes. They came by my apartment -- house to pick me up.

Q Do you remember what time it was that they came by?

A Early in the morning.

Q Where were you when they came by the house?

A I was still in bed.

Q By "they" can you tell us who came to your apartment, Sir?

A Peter Mikedes, and Carmen Bonita.

Q Had you known Carmen Bonita before, Sir?

A No, Sir, I hadn't.

Q Now, did you have any discussion about the cocaine at your house then?

A Yes -- yes.

Q As best you can remember, tell us what it was, Sir?

A I can't tell you the conversation. I know what the conversation was about because there was money passed and naturally we talked about it.

Q Do you recall who brought the money to your house?



Morton-direct

A It was Chris or Peter. More like Chris.

Q You say the money was passed? Who ended up with the money at your house?

A I did.

Q How much money was it, Sir?

A Approximately \$2,000.00 or so.

THE COURT: \$2,000.00?

THE WITNESS: Yes, twenty-two or \$2300.00 something like that.

BY MR. BARLOW: (continuing)

Q A little over \$2,000.00?

A Yes.

Q Did you make arrangement to go to New York?

A Yes, we were going in Peter Mikedas' car.

Q You drove in Peter's car?

A Yes.

Q You and Peter and who else?

A Carmen.

Q Do you remember where you went when you got to New York?

A Yes, we went to -- What is that, Queens, I think Astoria.

Q Do you remember whose place you went to?

A Harry's.

Morton-direct

Q That would be Harry Haralambus?

A Yes.

Q Was he there when you got there?

A No.

Q Was anyone there in his apartment?

A Yes, his cousin Nickie Pandas.

Q Did there come a time when Harry came back to the apartment?

A Yes, there was.

Q Did he have anything with him, Sir?

A Yes. He had a sample of cocaine that was supposed to be purchased.

Q Can you tell us what you did with the cocaine?

A Yes, Sir, we used -- snorted it and tested it.

Q Do you remember what the tests were, Sir?

A I am sorry?

Q Do you remember what the tests were?

A Yes, dropped it in Clorox and burned it.

Q Were you familiar at that time with those tests?

A Yes.

Q Can you tell us what the quality of the cocaine was from the test?

A From what I had learned the tests were favorable. That it was good cocaine.



Morton-direct

Q Do you remember what happened after you tested the cocaine?

A Yes, we snorted it.

Q Do you remember any phone calls being made at that time?

A I remember Peter calling first and telling Chris about the sample.

Q Did you hear Peter on this side of the conversation?

MR. KELLY: I object to leading questions, Judge.

THE COURT: Just a minute.

MR. KELLY: I object to leading questions.

THE COURT: Yes. You can ask what conversation there was.

BY MR. BARLOW: (continuing)

Q What, if any thing did you hear Peter say on the phone?

A What, again, that was awhile ago. It is difficult for me to put things in the order in which they happened. So for me to say what particular phone call that I recollect at that time, you know --

Q Do you remember any other phone calls that Peter made?

A Yes. I remember phone calls, definitely.

Q Alright. That day did you make any arrangements

Morton-direct

to buy anymore cocaine?

A The arrangements were made, I would say, they were made that day.

Q And you testified that you had bought twenty-two or \$2300.00?

A Yes.

Q Was that enough to buy the cocaine?

A No, it wasn't.

Q Were there arrangements that were made to make up the deficit of the amount of money that was needed?

A Yes, there was. I don't think that I was in on the arrangements, but I was a party to what was going on. Peter asked Chris to send him the balance of the money which was to be wired up.

Q Do you remember anything more specifically about how the money was going to be wired up?

A By Western Union. And it was going to be in Carmen Bonita's name because she had a passport.

Q You say it was arranged by Peter with Chris?

A Maybe. I should have -- I don't remember, but those were the arrangements.

Q Does that refresh your recollection that Peter had made the call?

A Well, he had made the call.



Morton-direct

Q Do you remember where you spent that night, Sir?

A Yes. I spent the night at a friend's named Wanda Career in Queens also.

Q And do you remember how far Harry's house was from Wanda's house?

A Pretty far.

Q And the next day they picked you up at that house?

A Yes.

Q Who was in the car when they picked you up?

A Peter, Carmen and Harry.

Q And did they say where they were coming from?

A I believe they were coming from the Western Union Office. And then we went back to Harry's house.

Q After you went to Harry's house did Harry leave after awhile?

A Yes, he did.

Q Did he come back that day?

A Yes, he did.

Q How much time lapsed between the time he left and the time he came back?

A Between half an hour and an hour.

Q Did he bring anything back?

A Yes, he did.

Q What was it?

Morton-direct

A A quarter pound of cocaine.

Q Can you tell us what you did with it?

A We snorted it and again tested it and I think that was all at that time,

Q Did you make arrangements to take it to Washington?

A Yes.

Q Do you remember how you went down to Washington?

A Yes, I do.

Q How was that, Sir ?

A I went by train.

Q And did anybody go with you?

A Carmen was with me.

THE COURT: Who went with you?

THE WITNESS: Carmen, Sir.

BY MR. BARLOW: (continuing)

Q By the way, how did the cocaine get down to Washington, Sir?

A Carmen had it on her body.

Q And when you got to D.C. can you tell us where you went?

A Yes, we went to Chris' apartment.

Q And was he there?

A Yes, he was.

Q And what did Carmen do with the cocaine?



Morton-direct

A Gave it to him.

THE COURT: To whom?

THE WITNESS: Gave it to Chris -- Gave it to Chris.

BY MR. BARLOW: (continuing)

Q Do you remember what, if anything, did he do with the cocaine?

A I can't say.

Q Now, after this trip to New York and coming back did you ever contact Chris about the other money with your friend at the gas station?

A Yes, I did.

Q Do you remember about how many times?

A No, it was quite a few.

Q Did you ever get any money from him?

A Not to pay my friend off.

Q Okay. What was the purpose of the money you got from him?

A To purchase some more cocaine.

Q And this was when you purchased from where?

A New York.

Q Do you remember how long that was after you had come back to New York the first time?

A Yes, it was quite awhile. About 3 weeks, I think 2 weeks or something like that to the best of my knowledge.

Morton-direct

Q Did you go to New York again?

A I am sorry?

Q I withdraw that.

Did you eventually go to New York with the money?

A Yes.

Q Did you stop anyplace before you went to New York?

A Yes.

Q And where was that?

A Philadelphia.

Q What did you do in Philadelphia?

A I made arrangements to purchase some pharmaceutical cocaine.

THE COURT: Made arrangements to do what, Sir?

THE WITNESS: To purchase some pharmaceutical cocaine.

BY MR. BARLOW: (continuing)

Q After you made arrangements you went on to Washington?

A Yes.

Q Do you remember where you went in Washington?

A Yes. I went to my friend Betty Gage's apartment.

Q And who was there when you got to her apartment?

A Chris was there.

Q At Betty Gage's?



Morton-direct

A Yes.

Q Anyone else?

A No.

Q Do you remember where her apartment was?

A Yes, it was The Water Towers, 23rd. Street.

Q Did there come a time when you returned to Philadelphia?

A Yes.

Q From Betty Gage's apartment?

A Yes.

Q What, if anything did you pick-up in Philadelphia?

A I pick-up an ounce of pharmaceutical cocaine.

MR. KELLY: Could I object, Judge, at least to questions implying the answer from the prosecutor.

MR. BARLOW: I think the question was; What, if anything did you pick-up in Philadelphia.

MR. KELLY: There wasn't any foundation for that, Judge.

THE COURT: Well, I think the damage has already been done, but there was an earlier statement about the arrangements made in Philadelphia on his way North.

So, what, if anything did you do in Philadelphia at this time?

BY MR. BARLOW: (continuing)

Q Where did you take that cocaine?

Morton-direct

THE COURT: Let him answer my question, if you will.

MR. BARLOW: I am sorry.

THE WITNESS: I am sorry, Sir.

THE COURT: What, if anything, did you do in Philadelphia when you went from Gage's apartment?

THE WITNESS: I picked up an ounce of pharmaceutical cocaine.

BY MR. BARLOW: (continuing)

Q Can you tell us how the pharmaceutical cocaine was packaged, Sir?

A Yes, in little green bottles.

Q Do you remember how many there were?

A About eight or nine.

Q From Philadelphia where did you go, Sir?

A 16th Street.

Q 16th Street and where?

A The other street I don't know, Locus.

Q I am sorry, that was where you went in Philadelphia?

A Yes.

Q After you had got the pharmaceutical cocaine, where did you go?

A I came back to New York.

Q What, if anything, did you do with the pharmaceutical



Morton-direct

cocaine after you got back to New York?

A I sold it to Harry Hackett.

Q And do you remember how much money you got for that?

A I think \$300.00 a bottle.

Q By the way, was Mr. Williams still at Betty Gage's apartment when you left for Philadelphia?

A No -- We passed, I came in and he was leaving as I came in.

Q And before you left for Philadelphia did anyone else come to Betty Gage's apartment?

A Yes, there were quite a few people that came in.

Q Do you remember who?

A Peter came. Harry came, Rick and Harry Hackett.

Q Do you remember Rick's last name?

A Daniels.

Q Can you tell us -- Alright. After you came back from Philadelphia did you have occasion to call your wife?

A Yes, I did.

Q And what did you tell her on the phone?

A Well, we were short of money to buy the second package of cocaine.

Q How much was short?

A About \$1,000.00. The money I had got from the sale of the pharmaceutical cocaine I paid off some personal debts

Morton-direct

and asked my wife to bring up \$1,000.00 to make up the money.

Q And did she come up?

A Yes.

Q Do you remember how she came up from Washington?

A On the airplane.

Q Was it the same day or later?

A I don't remember but it was shortly afterwards.

I think -- Well, she came up the day I called her.

Q Was anyone else with you or were you by yourself when you picked her up at the airport?

A No, Harry and Peter were with me.

Q Did she have the money?

A Yes.

Q Can you tell us what she did with the money?

A She gave it to me, and I in turn gave it to Harry or Peter.

Q And then can you tell us what happened when you gave the money to Harry?

A Yes. I had dinner with my wife and Peter and Harry went to get the other packages of cocaine. And she got the plane and went home. I went to Betty Gage's apartment to wait for Peter and Harry.

Q Who was at Betty Gage's apartment when you got there?

A Just Betty.



Morton-direct

Q Did anyone come later on?

A Yes.

Q Who was that?

A Peter and Harry came.

Q Did Harry have anything with him?

A Yes, he had.

THE COURT: Had what?

THE WITNESS: I said, yes.

BY MR. BARLOW: (continuing)

Q What was that?

A He had a quarter pound of cocaine?

Q Can you tell us what you did with it, if anything?

A Well, I eventually --

MR. KELLY: Objection.

THE COURT: Well, as nearly as you can recall,  
Mr. Morton, say what happened next?

THE WITNESS: As nearly as I can recall we got in  
touch with Rick, my friend Rick Daniels for some reason  
it was decided, I imagine, the reason we decided --

MR. KELLY: I object to what he imagined.

THE WITNESS: The reason we decided to sell the  
co ains in New York, it was decided because it took  
longer the first time when it was taken to Washington.  
And I asked Rick if he knew someone that would want to  
buy it and he told me he may someone.. And went to see  
that person that he knew.

Morton-direct

BY MR. BARLOW: (continuing)

Q Were you introduced to that person?

A Yes, I was.

Q And what was that person's name?

A Pearl.

Q Do you remember where this was?

A It was the Lenox Terrace.

Q Do you remember where that was located?

A 135th and Lenox Avenue.

Q Can you tell us what transpired there at Pearl's?

A Yes, I remember we were sitting at the table and Pearl was testing the cocaine. Cocaine has what people call rock, and compressed stones and you crush up all the rocks or compress stones into little pieces. And she told us she didn't want it. So gave it back to one, either me, or Rick or someone else. I don't remember which exactly.

Q Then you left?

A Yes.

Q The four of you would be yourself, Rick Daniels, Harry and Peter?

A Yes.

Q What did you do next?

A To the best of my knowledge we tried to sell it, to put it in little small packages and then sell it. I think



Morton-direct

maybe we put a cut on it.

Q Do you remember anyplace you tried to sell it?

A No, because most of the places I don't know, because Harry knew the people. I didn't. We went around the people that he knew.

Q Do you remember over what space of time these attempts were made?

A About 3 weeks, 3 or 4 weeks, a month.

Q And did you know how much was sold?

A Well, I don't know. But it had to be about the 2 ounces, because later Peter took the other 2 ounces back to Washington.

Q Did you go with Peter when he went back to Washington?

A No, I didn't.

Q Up until the time of the trial, did you ever see Peter again?

A You mean the time of this trial?

Q Well -- Okay. Actually, let's see, in 1974, did you ever see Peter again?

A The last time I saw Peter was when he left New York to go to Washington with the 2 ounces of cocaine.

Q That was the event you were just testifying to?

A Yes.

Morton-direct

1 A Yes.

2 Q That would be the last time in '74?

3 A Yes.

4 Q Did you ever see Mr. Williams again in 1974?

5 A Yes, I did.

6 Q Had you had any communication late in '74 beside  
7 seeing him?

8 A Once he wrote me a note, I was at the club and  
9 he wrote me a note asking me what happened, or something.  
10 We had to talk or something like that. And one other time  
11 I ran into him in streets in Washington. I was driving down  
12 the street and we talked briefly.

13 Q Do you remember what you talked about?

14 A Yes. I saw him on the street and I pulled over  
15 and said, "Listen, we will have to talk." He said, he didn't  
16 want to talk about anything now and I left.

17 Q Do you remember about what time of the year he saw  
18 you and left the note in his club?

19 A It was warm, but D.C. was unseasonably warm, you  
20 know, it gets, it stays warm late in the year. So it could  
21 have been around early November. I am not sure, but that  
22 seems to stick in my mind.

23 Q And if you can, about what time of year did you  
24 see him when you were driving down the street?  
25



Morton-direct

A It was warm again.

THE COURT: With regard to what?

MR. BARLOW: I believe Mr. Morton had added in addition to the note he had seen Mr. Williams on the streets

THE WITNESS: Yes. Again, it was warm. So it could have been maybe a week or two later.

BY MR. BARLOW: (continuing)

Q It would be two weeks after the note?

A Yes.

Q By the way, where did you see him on the street, Sir?

A He was coming out of his apartment parking lot.

Q One final question; What is your wife's name?

A Constance, C-o-n-s-t-a-n-c-e.

MR. BARLOW: No further questions.

CROSS EXAMINATION:

BY MR. KELLY:

Q Mr. Morton, you are not on trial in this case, are you? Are you on trial in this case? Are you a Defendant as Mr. Williams is a Defendant in this case here today?

A Not today.

Q Do you expect to gain any advantage by testifying in Court today?

Norton-cross

A No, Sir.

Q Now, you indicated that you had finished your semester at the State College, or Bowie State College?

A My semester was interrupted.

Q And what were you studying at Bowie State College?

A Business Management.

Q So you are not now going to that school?

A No.

Q Are you employed now?

A No, I am not.

Q When was the last time you were employed?

A It was with the Blimpie Corporation.

Q When was that?

A The later part of '74.

Q In other words, you have been a student since that time. And does your wife work also?

A Yes.

Q Where does your wife work?

A At the Veteran Administration.

Q What does she do?

A She is a Counsel of the V.A. Counselor.

Q And do you have any children?

A Yes.

Q Now, you indicated that you had some relationship



Morton-cross

with Mr. Williams in Washington, and as a result of that relationship he owed you some money, is that correct?

A You mean we had an arrangement, yes.

Q Well, he owed you some money? Didn't you indicate that you asked him on a number of occasions for that money that you had given out of your pocket to him for drug transactions?

A No, Sir, I didn't give the money out of my pocket. I gave him the drugs and he was to pay me for that, if that is what you are talking about.

Q You didn't pay any money out of your own pocket that he didn't return? This was money owed for a drug transaction?

A I paid the person that gave me the drugs out of my own pocket.

Q So you were ultimately the loser by the fact that Mr. Williams didn't pay you back for the drugs because you had to pay someone out of your own pocket?

A It would seem so, yes.

Q You became very angry with Mr. Williams because of his failure to return the money to you?

A I was upset.

Q You were disturbed?

A Yes.

## Morton-cross

Q Are you still disturbed and upset about that?

A No.

Q It is not important to you anymore?

A No need to worry about it.

Q It is in the past?

A It is in the past.

Q Now, I think you indicated that you were a drug user, is that right?

A Cocaine user.

Q When did you begin using cocaine?

A Well, my very experience with cocaine was in New York years ago.

Q How many years ago was that?

A Maybe 1970.

Q And you used cocaine '70, '71, '72, and '73?

A No, that was my first experience with cocaine.

Q Well, did you use cocaine thereafter?

A Yes. Not until I came to Washington. I was still living in New York at that time.

Q Around the time you had these conversations and transactions with Mr. Williams in Washington, were you a user at that time?

A Yes.

Q Were you using a good amount of cocaine or just on



Morton-Cross

ocassions?

A I would say a good amount.

Q And where did you obtain your cocaine in Washington to feed your own habit?

A Through friends, numerous friends.

Q Did you believe you had a cocaine habit at that time?

A I don't know, Sir. I really don't know about the habit. I don't know. I can't say.

Q You can't say whether you were addicted or not, but you were a user?

A I can not say whether I was addicted, but I was a user.

Q You knew it was illegal to use cocaine?

A Yes.

Q It was illegal to buy cocaine from other people?

A Yes.

Q You knew that?

A Yes.

Q Didn't you care about the fact that it was a violation of the law?

A I cared, yes, Sir.

Q Did this, however, fit within your realm of values at that time in not wanting to use cocaine? Well, did you

Morton-cross

give much thought to it at all?

A Yes, I did.

Q You decided you wanted to continue using cocaine?

A I would imagine so, I continued using it.

Q You like the experience of using cocaine?

A Yes.

Q And in addition to using cocaine you would set-up little transactions on the side with respect the transfer of cocaine?

A Yes.

Q This was all the time while you were working at Blimpie's?

A Not all the time.

Q Part of the time? you did it while you were employed at Blimpie's?

A Yes.

Q Did you use Blimpie's --

A No.

Q As a source or place for arrangeing these transactions?

A No.

Q Blimpie's was completely seperate and apart from your drug transactions?

A Well, it is pretty difficult to seperate it because there were times when I was working that I was using drugs,



## Morton-cross

too. But I never used it as a base or headquarters for my transaction.

Q Did you ever have any problem at work because of drugs?

A It could have been related, but I had problems.

Q What sort of problems did you have?

A Well, I became very dispondent with my work. But I don't know if it was the result of the drugs that I used.

Q Well, as you became dispondent did your use increase or decrease?

A No.

Q Did you use drugs to try and settle some of the problem problems?

A I don't know. I can't say. I know in using drugs I think I would consider some dispondent if I hadn't used the drugs.

Q The drugs gave you some support then?

A It could be, I don't know.

Q Now, when you went to New York as you say you did with Peter Mikedes and Carmen Bonita, was it your intention to bring the drugs back to Washington and distribute them in the Washington area?

A I would say yes.

Q And you were supposed to get some profit from that

1

Morton-cross

2

particular arrangement?

3

A Yes.

4

Q And you knew where the outlets were to get rid of the cocaine?

6

A I knew some.

7

Q You were going to get rid of some of them, and Chris was going to get rid of some of them?

9

A I don't remember if that was the exact arrangement. If I remember correctly Chris wanted to sell out all of the drugs.

12

Q He wanted to, and you would get a profit form his sale?

13

14

A Yes.

15

Q You said when you went to New York you went to a place in Queens, and you met a friend Nick Pandas, a relative of Harry Haralambus?

18

A Yes.

19

Q Would you describe Mr. Pandas for us?

20

A Tall. He had dark long hair and slim.

21

Q And it was on this ocassion you said you made certain tests of the sample that Harry had receive, is that right?

23

A Yes.

24

Q I think you indicated after this first transaction in New York had been completed you and Carmen Bonita went back

25



## Morton-cross

1  
2 Washington on the same train, is that correct?

3 A Yes.

4 Q Are you sure you both went back on the same train?

5 A I am positive.

6 Q Is it possible that she could have gone by plane  
7 and you would have gone by train?

8 A No, that is not possible. I remember, because I was  
9 there.

10 Q She had it on her body at that time?

11 A Yes, she did.

12 Q Would you describe her for us?

13 A Yes. Carmen is slim, but she was pregnant at that  
14 time. She had sandy brown hair.

15 Q So, when you went back to Washington then did you  
16 see Chris for awhile, did you?

17 A NO.

18 Q After Carmen gave the cocaine as you testified to

19 A No.

20 Q Then you had some further arrangements with him?  
21 You had some further contact with Chris with respect to him  
22 paying you back the money that you hadn't received from him?

23 A I asked him for it, yes.

24 Q And you say as a result of that contact you made this  
25 other arrangement to go back up to New York for more cocaine,

38

1

Morotnn-cross

2

is that right

3

A It eventually worked out that way.

4

5

6

Q Now, you did that, and there did come a time when you were at Betty Gage's apartment, sometime later, 3 or 4 weeks later, is that right?

7

A Yes.

8

9

Q And when you went up there the second time Chris was there?

10

A Yes.

11

12

Q I think you indicated when you were coming from someplace Chris was leaving Betty Gage's apartment?

13

A He was going out.

14

15

Q He was leaving when you went into the apartment? Who else was there? Betty

16

A Betty and Chris.

17

Q Pardon me?

18

A Betty and Chris.

19

Q Anybody else there?

20

No.

21

22

Q You had been earlier in that apartment before you went to Philadelphia to pick up the pharmaceutical cocaine?

23

A Yes.

24

25

Q Who was in the apartment when you left to go to Philadelphia?



1 THE COURT: Bring the Jury.

2 (Whereupon the Jury was brought in and  
3 seated in the Jury Box.)

4 THE COURT: Before Counsel starts their closing  
5 arguments, I should say to, member of the Jury, that  
6 the Counts of the indictment that will be submitted to  
7 you for a determination will be simply 1, 2, and 6.

8 Counts 3, 4, and 5 will not be submitted to you,  
9 because without reaching any of the unlikely  
10 question of fact, it was determined that evidence, if  
11 accepted as correct, would not sufficiently connect the  
12 episode with this District. And therefore, the case can  
13 not be heard in this District, because under the  
14 Constitution, a case must be prosecuted in the District  
15 wherein the offense was in whole, or in part committed.  
16 So, we don't reach the Counts on the merits as to the  
17 Counts 3, 4, and 5 in this trial.

18 MR. KELLY: The Defendant Christopher Williams rests.

19 THE COURT: Thank you, Mr. Kelly.

20 Mr. Barlow, you may proceed.

21 MR. BARLOW: May it please the Court. Mr. Kelly,  
22 Mr. Williams, Madame Forelady, ladies and gentlemen of  
23 the Jury.

24 We are now getting down to the very last  
25 part of this trial, and as Judge Dooling told you initially

1 it is now time for the closing argument. The summation  
2 of the evidence by myself and Mr. Kelly on behalf of  
3 Mr. Williams, that is the order in which it is going to  
4 be done.

5 I will give you my opening statement now, and Mr.  
6 Kelly will have a chance to respond to my argument, and  
7 then I will have a chance to rebutt any argument, or  
8 any argument that he brings up in his summation.

9 As Judge Dooling told you, we are now down to three  
10 Counts on which you have to decide as to the guilt or  
11 innocence of Mr. Williams. And lucky for you, I think that  
12 breaks down the evidence a little more easily than it  
13 has been before.

14 Now, we are going to be talking about the two  
15 substantive drugs transactions.

16 The one around Christmas of 1973. And the one a  
17 little later in January, 1974. And the very last Count  
18 in the indictment, the conspiracy charge.

19 And although we are not concerned up to now, with  
20 the substantive charge in Counts 3, 4, and 5, you can  
21 consider the evidence concerning these transactions  
22 in connection with your determination of the conspiracy  
23 Counts.

24 So I will be talking about all of the evidence that  
25 has come into the case.



1 First of all, let's get an overview of the evidence.

2 Do you remember when I talked to you in my opening  
3 statement I told you that primarily the evidence in this  
4 case was going to come from the witnesses under oath  
5 on the stand.

6 We have some Stipulations at the very end. I think  
7 you can see very plainly those were the sort of facts  
8 that are pretty well undisputed. The Christmas date, the  
9 date of Easter, and the date this case was initially  
10 indicted. And the New York Telephone Company policy of  
11 keeping Long Distance Toll calls.

12 Now, physical evidence we have only one exhibit.  
13 Remember the check that I read to you that Harry Haralambus  
14 paid to Eastern Airline for one trip back from Washington.  
15 And the check was dated January 15, 1974.

16 You heard talk of other documents that they have  
17 not come into evidence.

18 Why is that?

19 Do you remember hearing about several times  
20 money being wired up through Western Union from Washington  
21 to New York. Mr. Williams wired money up in December that  
22 was picked up by Carmen Bonita with her passport.

23 You will remember Peter Mikeses said in the second  
24 transaction he went from the Defendant's friend John's  
25 apartment to some Western Union in Brooklyn and some money

1 was wired up again.

2 And you will remember in the summer of '74, after  
3 Mr. Mikesdes had got a phone call from Mr. Durso saying  
4 I still want 5, he wired up \$500.00 using Mr. Haralambus'  
5 mother's name, in care of Kathey Ross.

6 It would be nice if we had the Western Union receipts,  
7 but we don't.

8 And I ask you to consider this, if you were involved  
9 in illegal cocaine distribution schemes and you wire up  
10 money to pay for cocaine, or you got the money from  
11 Western Union to pay for the cocaine, would you keep  
12 those receipt, or would you throw them away?

13 If you were Harry Haralambus and you came home to  
14 your apartment and found a note from your cousin Peter  
15 telling you he is going to Kew Motor in to pick up the  
16 cocaine from Mr. Durso, would you make pretty sure that  
17 you threw it away, burn it up, tear it up, so there  
18 wouldn't be any evidence around.

19 And, fine, it would be nice if we had toll records  
20 from the New York Telephone Company showing the calls  
21 that have been made from Harry's apartment, Betty Gage's  
22 apartment down to Mr. Williams' aptment. But, by the  
23 time Mr. Haralambus decided that he had better go to the  
24 Authorities or to the Drug Inforcement Authority and  
25 tell Mr. Noon what had been going on, six months had



1 already transpired since the calls and the case wasn't  
2 indicted until March, 1975, the next year. So we don't  
3 have those toll records here either.

4 Now, what do we know about the people that you  
5 heard about in connection with this case?

6 What do you know about Mr. Williams?

7 The answer is he is a man that dress fairly well as  
8 you can see there from looking at him for three days.  
9 We know he ran a nightclub in the suburb of Washington  
10 called the Coral Reaf.

11 We know that he has various rock groups coming in.

12 We don't know how successful he was in that business.  
13 But we do know something about the other business he was  
14 in.

15 We know from the testimony that he was dealing in  
16 cocaine.

17 And we know from all of the testimony that he  
18 always came up short with the money. In fact, you  
19 will remember what is the end result? The evidence in  
20 this case is that Mr. Durso wound up being owed \$5,000.00  
21 less \$500.00 that Peter Mikedes had sent up by Western  
22 Union.

23 Who finally got most of the cocaine in this case.

24 Who are the people we are concerned with in this case?

25 And who is the person who ultimatley owed that

1 money to Mr. Durso?

2 You know about Harry Haralambus. We know that,  
3 Plus Peter Mikedes, Paul Rudinsky, and William Morton  
4 all have used cocaine, and are all very familiar with  
5 the appearance of cocaine.

6 They all knew how to conduct tests to determine the  
7 quality of the cocaine.

8 And we learned about their involvements in this  
9 case.

10 Going back to Mr. Haralambus. We know that he did  
11 have some psychiatric problems when he was in the war.  
12 He was taking LSD, cocaine, marijuana, and he had some  
13 hallucinations while he was in The Marine Corp.

14 But, were these hallucinations primarily because of  
15 the drugs that he was taking, or could it have been  
16 from the experience he had had in Vietnam.

17 Remember him telling you about the altercation with  
18 Sargeant Kessler and why that arose when nine of the men  
19 in the same compound had been shot to death because  
20 Sargeant Kessler stayed down in the rice patties himself  
21 and sent the other fourteen men to be mowed down by  
22 machine guns.

23 Could his psychiatric problems have stemmed from  
24 experiences such as this, and not the drugs and any  
25 other events.



1           What bearings does Mr. Haralambus' hallucinations  
2 or psychiatric problems in 1967, and 1968 have to do with  
3 his memory and his remembrances of the things in 1973, and  
4 1974?

5           I didn't hear evidence of him having psychiatric  
6 problems or going to a psychiatrist or a psychologist or  
7 to group therapy or anything like that in the intervening  
8 five years, 196, 1970, 1971, 1972, and the end of  
9 1973.

10           You know that Mr. Haralambus had gone and told  
11 Mr. Noon the agent in the Drug Enforcement Administration  
12 something about Mr. Durso and Mr. Fabella, and the man  
13 named Nappy. And approximately at the same time he gave  
14 this little bit of information he was the only one that  
15 took cocaine down to Washington.

16           You can condone him, but again, what relevancy,  
17 or how material is it to his credibility, and does it  
18 bear on his credibility?

19           Then finally in July 1974 he went to Mr. Noon  
20 again, went to the agent and told him about everything  
21 that had transpired.

22           We know that he had already been indicted in other  
23 cases. But we also know that in Janury of 1974, January  
24 28, 1974, at that time he knew that he was going to be  
25 dismissed, and what did he know; because it is the state

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1 of mind that we really worry about. We worry whether  
2 the facts of this indictment would have or might have  
3 forced him to give the information we know.

4 His attorney told him that when the other four  
5 Defendants pleaded guilty in that case Judge Neaher was  
6 in charge and had told his attorney, and possibly the  
7 attorney for the Government -- By the way, it bears  
8 repeating as it already has been told to you, your  
9 remembrance of the testimony and the evidence in the case  
10 controls, not mine. Remember that what I say is not  
11 evidence. I am only giving you the Government's side of  
12 the evidence, trying to fit it into what seems to be the  
13 most logical array of facts. And Mr. Kelly will give  
14 you his side of the evidence, too. Of course, you  
15 remember your collective memory, twelve heads put  
16 together is what controls, and not ours.

17 Getting back to Mr. Haralambus' other indictments,  
18 we know that he was told that the Government would  
19 dismiss him and another gentleman named Tuosto if the  
20 other four Defendants would plead guilty. That if they  
21 didn't plead guilty the Government would go to trial on  
22 all six of them.

23 Those four men pleaded guilty that day. And he was  
24 told that he would be dismissed because the evidence  
25 wasn't there against him and wasn't sure enough. So on



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1 May 30, 1974 he was dismissed.

2 Now, knowing he was going to be dismissed and having  
3 been dismissed, what hold was there on him to finally  
4 come to Agent Noon in July, 1974, and we know that Mr.  
5 Haralambus was told that we were going to get indicted.  
6 He hoped that he wouldn't be indicted for that part.  
7 We know that substantially the same thing happened with  
8 Mr. Mikeses, and he hoped that he would not be indicted.

9 We don't know that much about Mr. Morton and we  
10 know little or anything about Mr. Durso and Mr. Fabella.

11 But, although built a high curiosity as to what  
12 has happened, or what will happen with Mr. Durso and Mr.  
13 Fabella. I will tell you now that Judge Dooling will  
14 tell you later that that is not to enter into your  
15 consideration today. You are here today for one purpose  
16 to decide the guilt or innocence of Mr. Williams, and that  
17 is it.

18 Judge Dooling will tell you that in reaching your  
19 verdict you are not to rest your verdict on any consideration  
20 that is not founded from the evidence in this case.

21 So if you have a curiosity as to what is happening,  
22 or what will happen, or what might happen to somebody  
23 else, please, keep it just as to your curiosity, and  
24 don't let that enter into your determination of the facts  
25 that you have to decide today.

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Now, what has the evidence in this case showed?

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We know that Mr. Morton had met Mr. Williams several months prior to Christmas of 1973, when Mr. Williams returned some cocaine to a gentleman that Mr. Morton knew.

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7

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12

And we know just prior to Christmas, '73, Mr. Morton got a hold of Mr. Williams and told him that this friend of his who owned a gas station had some cocaine and if he could get rid of it, he would like for him to do so. Mr. Williams agreed and took the cocaine and, he was going to pay back Mr. Morton's friend \$3,000.00.

13

14

15

16

We also know at least, Mr. Morton never got any money on behalf of his friend. In fact, he had to pay \$1,000.00 out of his own pocket to his friend at the gas station.

17

18

19

So, that is how the state in which the Defendant Mr. Williams comes into the evidence that we are concerned about in this trial.

20

21

22

23

And the transactions we are concerned about in this trial, do you remember Mr. Haralambus said shortly before Christmas of '73 he got a call from Mr. Fabella asking if he could move some cocaine.

24

25

His cousin called from Washington to tell him that he was going to be coming up for the holidays. And out of the blue Mr. Haralambus said, "I have got access to



1 cocaine. Do you think you can do something with it  
2 down in Washington?"

3 Remember Mr. Mikeses said several times he had brought  
4 cocaine from the Defendant Mr. Williams. In any event,  
5 he called Mr. Williams and said, "Do you think you can  
6 sell some cocaine?"

7 Several days later, this is probably after Christmas,  
8 Mr. Williams called and said for Peter to meet him at  
9 his apartment.

10 Mr. Mikeses met him at his apartment and Carmen  
11 Bonita was there, and, of course she had been an employee  
12 of Mr. Mikeses. They drove to Mr. Morton's house the next  
13 morning to get him out of bed. And introductions are  
14 made and they agreed that Peter Mikeses, Carmen Bonita,  
15 and William Morton will go to New York.

16 You will remember Mr. Morton said the Defendant had  
17 already given him some money to take to New York to buy  
18 the cocaine, \$2400.00.

19 The three of them drive to New York. They tested  
20 samples. And what was the first thing they do after they  
21 tested the samples? Peter called W.W. Mr. Williams,  
22 C.W.

23 Hearing that the stuff is pretty good he says he  
24 will wire extra money up that they need to buy it, to  
25 Carmen. Remember, that they had already arranged this

1 down in Washington. The next day Carmen and Harry, and I  
2 forget who else, went to the Western Union. She gets the  
3 money and she gives the money to Harry. And they picked  
4 up William Morton on the way back. And then after they  
5 got back to Harry's apartment he leaves to get the cocaine  
6 from Mr. Durso and he brings back a quarter pound. And  
7 they tested it again to make sure it was of the same  
8 quality grain as the first sample. And afterwards Peter  
9 calls C.W. and he says, okay, Mr. Williams agrees to take  
10 it. And they agreed to have Carmen take it down strapped  
11 on her body to Washington.

12 And here we have an inconsistency. You will  
13 remember Harry and Peter were pretty sure that they had  
14 dropped Carmen off at the Eastern Airline Shuttle. And  
15 Peter later dropped Mr. Morton at the train station.

16 Mr. Morton, if you will remember, said that he and  
17 Carmen both took the train down to Washington. That is  
18 an inconsistency. But, how important are inconsistencies  
19 like this?

20 Let me give you an analogy.

21 Those of you who are married you can probably  
22 remember what you wore the day you were married. But  
23 those of you who after you got married and saved the  
24 money, scrapped and saved and finally got up  
25



1 enough to move to a house in Weaschester County, or moved  
2 to Connecticut and bought a house, do you remember what  
3 you wore the day you signed the contract, or the day  
4 you signed the deed to your house? I bet you can't.

5 Let's analyze a little bit why you can't. Sure,  
6 you know what you wore the day you got married. Sure,  
7 if you wore a tuxedo or if you wore a long white gown.  
8 That is something that intimatley connected with marriage  
9 ceremonies.

10 But when you signed the contract, when you signed  
11 the mortgage that said you have to pay \$500.00 a month  
12 for the next 30 years, I think you were worried on how  
13 you were going to get , or pay the mortgage every month.  
14 You really weren't worried about what you wore the day  
15 you bought the house.

16 It is pretty important. It is material for somebody  
17 two years later to remember exactly how he traveled from  
18 one point to another.

19 Isn't the important factor the one that everybody  
20 agreed on that it had been arranged by the Defendant,  
21 Mr. Morton, Carmen Bonita, and Peter Mikedes down in  
22 Washington that money was going to be wired to her.

23 And isn't it an important fact that it was agreed  
24 in Harry Haralambus' apartment that Carmen Bonita, who was  
25 pregnant at the time would conceal the cocaine on her body

1 and take it down to Washington.

2 I submit to you that the inconsistencies that you  
3 may find in the testimony are inconsistent as to minor  
4 facts, details or events that are not that important; and  
5 in the on going stream of things, it is just not that  
6 intimatley involved with the actual transactions that  
7 went on.

8 And when you consider that the persons who have  
9 testified here have testifed to event, many events  
10 occurring over a space of 5 or 6 or 7 months, I ask you,  
11 would you remember completely and accurately and in detail  
12 every event in such a course of events? Or would it be  
13 natural that your memory might be confused as to little  
14 unimportant things. 0000

15 Other facts to consider, inconsistencies, too.

16 You might remember Mr. Kelly cross-examining the  
17 witnesses, at least in this case Paul Rudinsky, and you  
18 remember he asked him what does cocaine do to you. And  
19 you will remember that Mr. Rudinsky said it stimulates  
20 your senses. Mr. Kelly asked him, "Did you talk this  
21 over with Mr. Mikedes before you testified today?" And  
22 he said, "No." Why did he ask that question?

23 If you will remember Mr. Mikedes several hours  
24 before was asked the same question and that he had given  
25 almost the exact same answer, that it stimulates your  
senses.



1 Mr. Kelly was very alert to find out if they had  
2 gone over their testimony together, the details of the  
3 testimony to say that they had talked over the testimony  
4 with each other to make sure everything fitted.

5 I submit to you that these inconsistencies about  
6 detail, or about things that aren't intimately connected  
7 with the important events show that these witnesses here  
8 Peter and Paul and William Morton didn't try to tailor  
9 their testimony to fit each other.

10 Remember they said they hadn't talked over their  
11 testimony with each other. Peter said, Harry said,  
12 and Paul said I don't remember whether Mr. Morton was asked.  
13 But did they try to remember everything?

14 You will remember on the cross-examination of Mr.  
15 Haralambus Mr. Kelly went over a sheet of paper, a prior  
16 statement, prior testimony of Haralambus. Mr Mikeses  
17 said he had testified and prepared and gone over his  
18 testimony for 20 hours after the Grand Jury testimony.  
19 He said it took about a hour and a half of preparation  
20 of testifying in the Grand Jury. Paragraph two you will  
21 remember when he was asked by Mr. Kelly, he said, you  
22 know, even now everytime I think about everything,  
23 everytime I testify I forget somethings. And I remember  
24 some things that I hadn't remembered before.

25 And I ask you, isn't that the normal course of  
frailty of everybodies' memory.

1 Now, let's get back to what the evidence shows in  
2 this case.

3 You will remember Mr. Morton said after he and Carmen  
4 got back to Washington they went to Mr. Williams'  
5 apartment and delivered the cocaine, and then left.

6 Meanwhile, back in New York a few days Mr. Durso  
7 and Mr. Fabella came over to Harry's apartment.  
8 Remember they had already agreed, obviously since the  
9 price had already been paid for this first quarter pound  
10 of cocaine, it was going to be \$3375.00. Harry said  
11 about \$3300.00. Mr. Mikeses was a little more precise.  
12 He remembered \$3375.00. Mr. Durso -- In this meeting  
13 I am talking about after the cocaine went down to  
14 Washington, and after he was going get 50% of the profits  
15 and he let Harry, Peter, and Chris Williams and Bebe  
16 Morton split up the remaining 50% of the profits anyway  
17 they wanted to. After that meeting Peter called Chris  
18 and said, okay, everything is going pretty smoothly.  
19 Bebe Morton would be back fairly shortly, but a few days  
20 went by and Mr. Morton doesn't come back with no money  
21 and no profits.

22 Mr. Durso and Mr. Fabella again come to Harry's  
23 apartment and this time they are a little more impatient.  
24 As a matter of fact, when he found out that the money  
25 hadn't come back yet Mr. Durso hit Mr. Mikeses in the face



1 with his fist. But, Haralambus is able to smooth things,  
2 calm things down with Mr. Durso. And it was at that time  
3 that they agreed, well, we have got another quarter pound,  
4 why don't you get that down to Washington, and if that  
5 is sold, then the profits from that and the other can  
6 come up with first profit from the first quarter pound,  
7 okay. And again, what is the first thing that is done  
8 after a new quantity of coaine is discussed? Durso leaves  
9 and Peter calls Chris and he explained that Mr. Williams  
10 said it is okay. That he will be coming up to New York.  
11

12 Just by coincidence a little bit later on he gets  
13 a call down in Washington from Mr. Morton asking for some  
14 of the \$3,000.00 that Mr. Williams owed to the other  
15 person down in Washington.

16 Mr. Williams tells him that he has got some money,  
17 but that is not for the Washington money, this is the  
18 money he wants to go to New York with because there is  
19 another quarter pound available. And he gave him the  
20 money, I think about \$1,000.00. But you remember what  
21 the amount was.

22 So Mr. Morton goes up and stops in Philadelphia and  
23 arranged to buy some pharmaceutical cocaine and goes to  
24 New York. And you remember he said he remember seeing  
25 Mr. Williams at Betty Gage's apartment when he got there  
for just about 10 or 15 minutes and then Chris Williams

1 left.

2 What did Mr. Williams do in the mean time?

3 Remember, Peter Mikedes testified that he was  
4 contacted by Mr. Williams in New York and he met him at  
5 John's apartment in upper Manhattan on the westside.  
6 And from John's apartment they went to Western Union  
7 someplace in Brooklyn, he couldn't even describe the  
8 office, remember, he said it was a run down section of  
9 the city.

10 Mr. Williams got the money that had been wired up  
11 here. They went back to Betty Gage's apartment and again  
12 a minor inconsistency, because Peter, remembered when they  
13 got back to Betty Gage's apartment, not back, but when  
14 they got there since Peter hadn't been there, that Mr.  
15 Morton had already arrived. So we have again a little  
16 inconsistency. We have a chance meeting between Peter  
17 and Chris Williams who had already had known each other.  
18 And we have an inconsistency of about 10 or 15 minutes  
19 of time, and that happened over two years ago. I again  
20 I ask you is that inconsistency important. That is an  
21 inconsistency that shows that either Mr. Morton or Mr.  
22 Mikedes is lying, or is it the normal process of the  
23 ordinary person's memory, being submerged under days and  
24 weeks and months and years of intervening events; and  
25 because of the frailty the memory gets jumbled a little



1 bit somethings are dropped out and some things perhaps  
2 come in.

3 I submit to you that these inconsistencies  
4 contrary to showing that they may be lying, tends to  
5 show that Mrs. Mikeses and Mr. Morton, and Mr. Haralambus  
6 and Mr. Durso were telling the truth as best as they  
7 could remember. And not getting together with each  
8 other to manufacture a set of entirely consistent and  
9 logical bright sunny package for you to listen to.  
10 But getting on the stand and telling it the way they  
11 remember it.

12 Mr. Morton stated that he stayed at the apartment  
13 for a little while, and then for several hours he went down  
14 to Philadelphia and bought the pharmaceutical cocaine  
15 and came back and sold it, I believe to Harry  
16 Hackett and paid off a thousand dollar debt to Rick  
17 Daniels who was there at Betty Gage's apartment. And  
18 the money that was left they were still short of about  
19 a thousand dollars. Mr. Morton called his wife -- By  
20 the way, another little inconsistency. Remember Peter  
21 Mikeses had in a prior statement said he thought Mr.  
22 Morton's wife's name was Connie, or Sandra. And there  
23 were several questions about it, and, later on he was  
24 told that it was Connie. Mr. Morton said his wife's name  
25 is Constance. There again is an inconsistency but not

1 to show that he is lying,, an inconsistency to show that  
2 his memory is faulty as to little minor events that  
3 naturally would drop out of somebody's mind, and may  
4 return at some time or may never remember it again.

5 In any event, Mr. Morton's wife came up and gave  
6 him the money, and he gives the money to Harry and  
7 Harry calls Richie and arranged for a second set of a  
8 quarter pound of cocaine from Mr. Durso.

9 Now, about what time did this happen? Nobody knew  
10 exactly the date, did they, at least for this time  
11 period.

12 Let's try and set it up. Both Mr. Harry Haralambus  
13 and Peter Mikedes remembered that Peter came up Friday  
14 or Saturday after Christmas. Mr. Morton remembered that  
15 it was just before Christmas -- Excuse me, remembered  
16 that it was just several days after, a few days after  
17 Christmas, and a little more time, another couple of days  
18 after he had given the other cocaine, the Washington  
19 cocaine, that he got a call from his friend at the gas  
20 station with Mr. Williams, and that puts it again, does  
21 it not, just about Friday or Thursday after Christmas.  
22 And the next day was when Chris and Peter Mikedes, and  
23 Carmen Bonita woke him up early in the morning and they  
24 drove up to New York. The next days were Saturday and  
25 Sunday after Christmas was when the money was wired to



1 Carmen. Several more days transpired from when Mr.  
2 Durson and Mr. Fabella came around Harry's house the  
3 first time, and this put it about New Year's, a day or  
4 so after New Year's probably, and that was when they  
5 were fairly well satisfied, that this would be several  
6 days later which would be probably the week-end, maybe  
7 Monday or Tuesday of the next week. So you are getting  
8 into January 6, 7, 8 and 9. And then a couple of days  
9 transpired before Chris Williams came up to New York.  
10 And Mr. Morton came up to New York to purchase a second  
11 quarter pound.

12 Now, after Harry gets the second quarter pound from  
13 Mr. Durso and it is not as good as the first, and you  
14 will remember Mr. Morton saying, well, they had been wait-  
15 ing so long to get back the money from Chris Williams  
16 from the first package that they would try and get rid  
17 of it in New York. That they would sell it in New York.  
18 They go up to Harlem, to Pearl's, and they couldn't do  
19 anything there. And then for several weeks Haralambus  
20 and Morton try to sell it, and they sell about half.  
21 I think Mr. Morton remembers that about two ounces  
22 were left that they hadn't sold in New York. Mr. Mikes  
23 remembered about an ounce and a half. And finally after  
24 they couldn't sell it to anybody in New York, Peter  
25 takes the one and a half or the two ounces down to Mr.

83  
1 Williams, Chris Williams and he gives him \$1400.00.  
2 Peter wires that up -- Again, that is the reason for  
3 no receipt. There is no question of receipt.  
4

5 Now, we jump from January, possibly early February  
6 '74, until April. And you will remember Mr. Haralambus  
7 said in this case Nick Pandas contacted him that Mr.  
8 Durso wanted to meet him and they went to The Worlds  
9 Fair Parking Lot. Mr. Durso says that he is still  
10 going to trust Harry. He doesn't particularly like  
11 the way that things are going in Washington, but he  
12 will front him and will give him on consignment another  
13 quarter pound of cocaine. And the profit from the sale  
14 of that plus the other profits would go to pay the debts  
15 that were still owing to him on the first two packages.

16 Remember, Harry goes down to Washington on the  
17 Metroliner and after he stays a night in Washington and  
18 sold an ounce to a man who came to him at the bar. That  
19 he and Peter were driving around Washington enjoying the  
20 town and just by coincident they run into Mr. Williams.  
21 And at that time Chris Williams was introduced to Harry  
22 as C.W.

23 Harry explains the deal from Mr. Durso. That the  
24 sale of this quarter pound would go and pay off the  
25 debt from the first two quarter pounds.

Chris paid the cost price for the cocaine, again,



1 short \$500.00.

2 Mr. Haralambus phoned Mr. Durso and he is upset.  
3 But then after Harry takes the money back up to New  
4 York he is not quite that upset. And he talks to Harry  
5 about another quarter pound that he has available to go  
6 down to Washington. And they worked on the same deal.  
7 But by this time Mr. Haralambus is dealing directly with  
8 Chris Williams. He doesn't need Peter as a go between  
9 because they just happen to meet.

10 He goes down to Washington. The same sort of thing.  
11 At this time he stays at a friend's house. He met  
12 Chris and they tested it and Chris gives him some more  
13 money. And he goes back up to New York and gives the  
14 money to Mr. Durso.

15 And then several other weeks go by or transpired,  
16 and Mr. Durso again contacts Harry and says this time I  
17 think we can do it in pounds, a half a kilo quantity.  
18 And again it is on consignment. Harry tested some of it  
19 and it was not that good. So, this time, what is the  
20 first thing Harry does? Instead of Peter, Harry calls  
21 Chris and says that it is not that good. And Chris says,  
22 well, that there was nothing right now in Washington  
23 and he could work it out. You know, this is one day  
24 that we can fix pretty well, can't we, because when you  
25 take 17 ounces of cocaine, this time he takes it down and

1 that is the day that Paul Rudinsky came back from Israel,  
2 June 9, 1974. After he snorted some of the cocaine at  
3 his friends Varvarga's house Paul drives him to the  
4 Eastern Airline Shuttle and he goes down to Washington  
5 and he goes to Chris' apartment -- Excuse me, he didn't  
6 go to Chris' apartment. Before he went down he called  
7 Chris on the phone, now, remember he is talking directly  
8 and arranged with Chris to meet him at the airport. He  
9 gets picked up at the airport by Chris and he goes to  
10 Chris' apartment. Chris said it wasn't that good, but  
11 had agreed that it was a workable quantity.

12 The next day Chris and Harry meet. And here  
13 another variation on the agreement. Instead of the money  
14 Chris has forty-five pounds of marijuana and he agrees  
15 with Harry that he will take that back to New York to  
16 sell and for the money he would get that he would pay  
17 Durso. And Harry agrees. He goes and takes it back  
18 and he gets about eight or \$9,000.00 for it. He takes  
19 that over except for the cost that had been \$1,000.00  
20 or around \$1700.00, so right away again Mr. Durso is up  
21 short, this time considerably more money. Harry calls  
22 Chris and Chris wired up \$2,000.00. And this time  
23 possibly because he is still short Mr. Haralambus may  
24 have decided, too that he didn't want to meet Mr. Durso  
25 face-to-face with only \$2,000.00 and not with eight or



1 \$9,000.00. You decide from your facts, because you  
2 remember at this time he doesn't call Mr. Durso at the  
3 Midway Bar. He gives the money to his cousin to give  
4 to Mr. Durso. And Mr. Durso's cousin just happened to  
5 be there and he remembers not saying the exact amount  
6 of money. See if you remember this testimony. He said  
7 it was a fairly large amount of bills running from twenty  
8 to hundreds.. And he heard Harry tell him to give it to  
9 Mr. Durso.

10 A few weeks later Haralambus goes down to Washington  
11 with Paul Rudinsky, and they go to Chris' place. And  
12 Harry logically asked Chris where is the money and  
13 Mr. Rudinsky said that he didn't hang around for much  
14 of the conversation. He remembers a little bit of the  
15 initial conversation that had to do with money or debts  
16 or money owing.

17 Mr. Haralambus tried to get Chris on the phone  
18 several times during the summer of '74 and couldn't.  
19 And if you will remember he said that some time during  
20 the summer of '74 he scrapped up about \$500.00 from his  
21 friends and gave it to Mr. Durso. And finally late in  
22 the summer of '74 Mr. Durso phoned Peter Mikedes and  
23 he tells Mr. Mikedes that something is going to happen  
24 to Harry if I don't get my \$5,000.00, it is going to be  
25 your ass too. Unfortunately Mr. Mikedes was talking about

1     \$500.00 that he wired up. Remember, he said he was  
2     trying to back out. He didn't want to get involved, so  
3     he didn't even use his own name on the Western Union.  
4     He used Mr. Haralambus' mother's name in care of Kathy  
5     Ross. \$500.00 came up to New York, and shortly there-  
6     after Mr. Durso was still owed what, approximately  
7     \$5,000.00 less the \$500.00 that Peter Mikedes had sent,  
8     plus \$1,000.00 on top of that, so that is about \$4,000.00,  
9     if you will remember, still being owed. And here instead  
10    of it being Peter, this time it was not smoothed out too  
11    much because Harry had several wounds on the side of his  
12    face and spent nine or ten days in the Hospital.

13            Now, what does all of this go to show, and you are  
14    going to hear Judge Dooling tell you the elements of the  
15    crimes that you have to find beyond a reasonable doubt.  
16    And you remember, I told you in my opening that you  
17    don't have to find each separate bit of evidence beyond a  
18    reasonable doubt. But what you do have to find is this  
19    for the first offense, did Mr. Williams possess the  
20    cocaine? Now, was it cocaine?

21            You will also hear Judge Dooling tell you the  
22    difference between the direct evidence and circumstantial  
23    evidence. Again, it would be nice, and it would have  
24    been better if Harry had been double dealing, giving  
25    a little information at the same time dealing on the



1 side, because if he had been cooperating with the Drug  
2 Enforcement they probably would have kept some of the  
3 cocaine and sent it to the laboratory and we would have  
4 had a nice chemist to come in and tell you that it was  
5 cocaine. But what is circumstantial evidence? We do have  
6 cocaine. We have four packages. You all heard Harry,  
7 Paul, and Peter and Morton say that they all knew how to  
8 test cocaine. They could all tell the quality of the  
9 cocaine by the test they used. And they also used --  
10 Remember this distinctly the relevant quality of the  
11 different packages of cocaine.

12 Mr. Williams knows cocaine. What do we know about  
13 that? Now, we talk about the state of mind of Mr. Williams.  
14 The knowledge that he had. You heard Mr. Morton say as early  
15 as the summer of '73 Mr. Williams tried to get rid of  
16 some cocaine for one of Mr. Morton's friends, and he  
17 couldn't do it.

18 In December '73 before Christmas, a gas station  
19 employee in Washington had cocaine. So I think you can  
20 infer from that that Mr. Williams had some prior knowledge  
21 about the cocaine. And that when he got the various  
22 packages of cocaine in Washington he snorted it. He did  
23 little tests. He didn't do the full blown tests that were  
24 done in New York. He didn't burn it. He didn't drop it  
25 in Clorox. He didn't do anything like that. But you

1 remember the very last package, the one pound of cocaine,  
2 remember the 17 ounces minus the ounce that was sold  
3 at the bar by Harry, he and a friend Tom looked at it and  
4 it was not really that good, but it was workable.

5 Isn't that sufficient knowledge to know what you  
6 are getting?

7 Finally, regarding the first two Counts, again going  
8 to an agreement of a conspiracy which I am going to get in  
9 with the intent to distribute.

10 First of all, you can tell something from the amount  
11 he got. And let's compare personal use as against  
12 distribution for sale.

13 You will remember that the very first time that  
14 Mr. Haralambus got a sample, a very small sample from  
15 Mr. Durso, and Peter Mikedes, Carmen Bonita and William  
16 Morton were all able only to test, to snort some of it  
17 and have a good time there that afternoon.

18 The sample in June, June 19, Paul Rudinsky got,  
19 again, a sample, but not the 17 ounces. The sample was  
20 tested. Remember Paul Rudinsky said it was tested and  
21 there were Paul, Harry, dean, and Varvargas and you  
22 remember that there was someone else there. And again  
23 there was more than enough in that ounce to use and to  
24 test.

25 So I think it is fair to infer that one ounce isn't



1 going to last more than just a bit of time.

2 What did Mr. Williams get late in the December, '73?  
3 He got a quarter pound. A couple of weeks he got one  
4 and half or two ounces. About the middle of April he  
5 gets a quarter this time. Some time in May he gets a  
6 quarter pound. And on June 19 he gets a pound, or 17  
7 ounces.

8 Was it all for his personal use?

9 He got and you will remember from the very beginning  
10 it was explained to him what the deal was going to cost  
11 \$3375.00 for a quarter pound and split the profits. Mr.  
12 Durso would get 50 percent of the profits. They figured  
13 about \$1700.00. And Mr. Williams, Mr. Haralambus, Mr.  
14 Morton, and Mr. Mikedes would split the other profits.

15 I submit to you, Ladies and Gentlemen, that you  
16 can't get any profits when you are using it yourself.  
17 You only get profits when you sell it.

18 Finally, he never paid as much as he was supposed to  
19 pay.

20 After The World's Fair meeting when Harry took  
21 down the quarter pound, he got seven or \$8,000.00 from  
22 Mr. Williams. The second trip in May he gets eight or  
23 \$9,000.00. And finally June 19, or June 20 that instead  
24 of the cash that was bargained for he gets 45 pound of  
25 marijuana. And very shortly thereafter he wired up

1 \$2,000.00.

2 I submit there is enough, more than enough evidence  
3 to show that he intended to distribute and that he did sell  
4 and distribute it.

5 And that is what you will find in the first two  
6 counts of the conspiracy. And what you have to find  
7 basically at this time is that Mr. Williams knowingly  
8 agreed to conspire with someone else to distribute the  
9 cocaine or possessed it with the intent to distribute.

10 I submit from what I have already told you, you can  
11 find more than enough evidence to show that there was an  
12 agreement.

13 Let's just see a little bit more of the evidence.  
14 Exactly how Mr. Williams was in agreement.

15 First of all, there is no evidence that Mr. Williams  
16 knew Mr. Durso.

17 There was no evidence that Mr. Durso ever knew who  
18 Mr. Williams was. But when you are dealing in cocaine, and  
19 when you are dealing with illegal drugs do you want to know  
20 who everybody is? Do you want to know who the ultimate  
21 source is? Isn't it better to deal on the one-to-one basis  
22 so that if somebody goes and cooperates with the police or  
23 gets arrested that you are two sets removed from him and he  
24 can't turn you in. He can't tell the police or the drug  
25 agents who you are?



1 As a matter of fact, Mr. Haralambus didn't know who  
2 Mr. Williams was until the Spring of '74, did he?

3 I would imagine that if he wanted to look at the  
4 phone when Peter was making the phone call, and if he  
5 had access to a Washington, D.C. phone book he might have  
6 been able to remember the number and figure it out that  
7 way. Who Mr. Williams, or C.W. was.

8 But it was only by happen stance that when Peter and  
9 Harry were driving around Georgetown they saw Mr. Williams  
10 in his Chevrolet Stationwagon. And it was then that Mr.  
11 Haralambus started dealing directly with Mr. Williams.  
12 Now they knew each other and they could cut Peter Mikedes  
13 out and deal directly with each other.

14 I submit, Ladies and Gentlemen that when you review  
15 all of this evidence, and when you review in light of  
16 your common sense, please don't take that away from you; you  
17 find beyond a reasonable doubt that Mr. Williams was not  
18 only sufficiently connected with the quarter pound of  
19 cocaine that came down from New York in December, the  
20 quarter pound of cocaine that came down in January, '74;  
21 that he was knowingly and willingly, and perhaps since  
22 Mr. Durso never got any profits, he was the most profitable  
23 partner of the conspiracy to distribute between a pound  
24 and a quarter, and a pound and half of cocaine in a  
25 span of about six months.

1 Thank-you.

2 THE COURT: We will have a short recess now.

3 Would the Jury please do not discuss this  
4 case with one another or with anyone else until you have  
5 been given the case to decide.

6 (Whereupon Court recessed for a few minutes.)

7 THE COURT: Bring in the Jury.

8 (Whereupon the Jury was seated in the Jury  
9 Box.)

10 MR. KELLY: Judge dooling, Mr. Barlow, Mr. Williams,  
11 Ladies and Gentlemen of the Jury.

12 As Mr. Barlow indicated we have arrived at  
13 that point in the proceedings where the respective  
14 attorneys for both parties, that The United States, and  
15 the Defendant Christopher Williams to sum up, and that is  
16 pretty much what the word means.

17 We have been through a trial and at this point we  
18 are trying to add up and see what it all amounts to.

19 As the opening was prelude as to what was going to  
20 take place during the trial, so the summation is an  
21 epilogue with respect to what the attorneys feel that  
22 we have brought out.

23 Now, of course, the Defendant was not required to  
24 open, and he did not open because in our system of law  
25 the Defendant does not have to tell the Jury what evidence



1 will receive the instructions on the law that govern.  
2 the case.

3 Please do not discuss this case with one another  
4 or anyone else not on the Jury until given to you to  
5 determine.

6 (Whereupon, Court recessed for a few minutes.)

7 THE COURT: Members of the Jury:

8 "You have heard the evidence in the case  
9 and the arguments of counsel and now must receive the  
10 instructions on the law that governs the case.

11 You, the jurors, are the sole judges of the facts.  
12 You must, however, follow the law as given to you in  
13 these instructions and apply it to the facts as you find  
14 them from the evidence before you. You are not free,  
15 nor am I, to substitute our private judgments as to what  
16 the law should be for what the law in fact is.

17 You have been sworn as jurors well and truly to try  
18 this case and to render a true verdict. You must there-  
19 fore exclude from your deliberations all bias and prejudice.  
20 You must not permit yourselves to be governed by sympathy  
21 or any other considerations not founded in the evidence  
22 and these instructions on the law.

23 The issues of fact to be tried are those made by  
24 the indictment and the defendant's plea of "Not Guilty".  
25 Bear in mind that the indictment is the formal method

1 of accusing a person of crime; it is not itself evidence  
2 that a defendant committed the crime charged, nor is the  
3 fact that the indictment was found any evidence of guilt.  
4

5 The charges of the indictment have been found under  
6 two different sections of Title 21 United States Code  
7 dealing with what are called controlled substances.  
8 Under the provisions of Section 812(c), Schedule II(a)  
9 (4) cocaine is a controlled substance, and under the  
10 provisions of Section 802(16)(B) is a narcotic drug  
11 controlled substance.

12 Counts 1 and 2 of the indictment are drawn under  
13 Section 841(a)(1) of Title 21 which so far as we are  
14 concerned with it provides that "...it shall be unlawful  
15 for any person knowingly or intentionally...to...distribute  
16 ...or possess with intent to...distribute...a controlled  
17 substance."

18 Each Count of the indictment must be considered  
19 separately on the basis of the evidence relating to it.  
20 Your verdicts need not be the same on each Count.

21 Turning now to Count 1, the charge of Count 1 of  
22 the indictment reads as follows:

23 "On or about and between December 25, 1973  
24 and January 5, 1974, within the Eastern District of New  
25 York, the defendant Christopher Williams, knowingly,  
intentionally, and unlawfully did distribute and possess  
with intent to distribute approximately one-quarter



1 pound of cocaine, a Schedule II controlled substance.

2 (Title 21, United States Code, Section  
3 341(a)(1) and Title 18, United States Code, Section  
4 2)"

5 The essential elements of Count 1 all of which the  
6 Government must prove beyond a reasonable doubt or else  
7 you must acquit the defendant are the following:

8 First, that the defendant did possess a quantity of  
9 cocaine;

10 Second, that the defendant understood that the  
11 substance of which he had possession was cocaine;

12 Third, that the defendant intended to deliver the  
13 substance to another person, or in fact delivered the  
14 cocaine to another.

15 If the Government establishes all three of the  
16 essential elements beyond a reasonable doubt you will  
17 convict the defendant on Count 1. If the Government  
18 fails to prove beyond a reasonable doubt any one or more  
19 or all of the essential elements of the charge, then  
20 you must acquit the defendant on Count 1.

21 The essential elements of Counts 2, 3, and 5 are the  
22 same as those of Count 1. Each of these Counts charges  
23 the defendant with both distribution of cocaine and  
24 possession of cocaine with intent to distribute.

25 Count 1 relates to the period between December 25,

1 1973 and January 5, 1974. Count 2 involves the period  
2 of time between January 14, 1974 and February 15, 1974.  
3 Count 2 reads as follows:

4 "On or about and between January 15, 1974  
5 and February 15, 1974, within the Eastern District of  
6 New York, the defendant Christopher Williams, knowingly,  
7 intentionally, and unlawfully did distribute and possess  
8 with intent to distribute approximatley one-quarter  
9 pound of cocaine, a Schedule II controlled substance.

10 (Title 21, United States Code, Section 841  
11 (a) (1) and Title 18, United States Code, Section 2)"

12 In Count 2 as in Count 1, the defendant is charged  
13 with both possession of cocaine with intent to distribute  
14 and actual distribution of the cocaine. In considering  
15 Count 2 you must determine whether the Government has  
16 met its burden of establishing each element of the  
17 charge beyond a reasonable doubt. Remember, that in  
18 each of Counts 1 and 2 the Government must prove beyond  
19 a reasonable doubt, in addition to other elements, either  
20 that the defendant possessed the cocaine with intent to  
21 distribute or that he actually distributed the cocaine  
22 to another person, but it need not prove both. If the  
23 Government meets this burden on the Count you are  
24 considering you will convict the defendant on that  
25 Count. If the Government fail to prove beyond a reasonable



1 doubt any one or more of the essential elements of the  
2 offense then you must acquit the defendant on the Count  
3 being considered.

4           You will note that in each of these Counts the  
5 defendant is charged with possessing the cocaine. The  
6 Government does not have to prove that the defendant had  
7 the cocaine in his hand at some time during the transaction  
8 with which the evidence is concerned, for possession may  
9 be a joint possession or a constructive possession. Two  
10 or more people may share a possession and act together with  
11 relation to the thing possessed. So, you must determine  
12 whether you are satisfied that the defendant had possession  
13 of the cocaine either alone or jointly, that is, had sole  
14 possession of the substance.

15           Possession can also be constructive possession,  
16 such as, for example, where one person has the substance in  
17 his physical possession but another person has the actual  
18 power to control the disposition of the substance that is  
19 in the physical custody of another in the sense that the  
20 one who actually has it in his physical possession is  
21 shown to be willing to make disposition of it as directed  
22 or requested by the other person. In such a case the  
23 person who has the substance in his actual physical  
24 custody is in possession of it and so also is

1 any other person who has the power effectively to dispose  
2 of the substance by request or direction addressed to the  
3 person who has the substance in his physical custody.

4 The charge further require proof that the possession  
5 be "With intent to distribute." That intention must be  
6 a real and genuine intention formed voluntarily by the  
7 defendant. You must determine that fact from all the  
8 evidence, bearing in mind that while the act of delivering  
9 the substance in exchange for money is evidence that the  
10 possession was with intent to distribute which you may  
11 consider on that point, it does not necessarily and of  
12 itself establish the existence of a guilty intent to  
13 distribute. Such evidence, of course, prove actual  
14 distribution.

15 "Distribute" as used in the statute and in the Counts  
16 of the indictment means simply to deliver a controlled  
17 substance, and a distributor means a person who so delivers  
18 a controlled substance.

19 You will see that in Counts 1 through 2 of the  
20 indictment it is an essential element of the indictment  
21 that the defendant knew that the substance in question  
22 was cocaine. The Government does not have to prove that  
23 knowledge by direct evidence, such as a statement coming  
24 from the defendant's own lips which those who heard him  
25 speak are able to testify to before you, or other such



1 direct evidence. But it is necessary for the Government  
2 to prove facts and circumstances from which you are able  
3 to and do infer beyond a reasonable doubt that the  
4 defendant did know the nature of the substance he was  
5 dealing with.

6 In these two Counts the Government's evidence,  
7 if you accept it, indicate that defendant did not act  
8 alone but with others who bore some part in the  
9 transactions. The Government does not have to prove  
10 that defendant acted alone and unaided. It is enough  
11 if it shows that the defendant actively participated  
12 along with one or more others in the doing of the acts  
13 that make up the offense, and that he did so in the full  
14 knowledge of what was being accomplished and united his  
15 efforts with those of others to bring it about. The  
16 Government must show, of course, that defendant realized  
17 that the substance involved in the transaction was  
18 cocaine and nevertheless willingly participated in the  
19 transactions.

20 Count 6 of the indictment charges that the defendant  
21 conspired in violation of Title 21, United States Code,  
22 Section 846, to possess with intent to distribute cocaine  
23 in violation of Title 21 U.S.C., Section 841(a)(1).

24 Section 846 provides that"

25 "Any person who...conspires to commit any  
offense defined in this subchapter is punishable by

1 imprisonment...or fine or both..."

2 And Section 841(a)(1), as I have explained, provides so  
3 far as we are concerned with it that it

4 "...shall be unlawful for any person knowingly or  
5 intentionally -

6 (1) to...distribute...or possess with intent to...  
7 distribute...a controlled substance;"

8 "On or about and between December, 1973 and July,  
9 1974, both dates being approximate and inclusive, within  
10 the Eastern District of New York, and elsewhere the  
11 defendant Christopher Williams and Leonard Durso, Richard  
12 Fabella, William Morton and Harry Haralambus, unindicted  
13 co-conspirators and others to the Grand Jury known and  
14 unknown, knowingly, intentionally, and unlawfully did  
15 conspire with each other to distribute and to possess  
16 with intent to distribute quantities of cocaine, a  
17 Schedule II controlled substance, in violation of Title 21,  
18 United States Code, Section 841(a)(1)."

19 Conspiracy is an offense separate from the commission  
20 of any offenses that may have been committed pursuant  
21 to the conspiracy. That is because the formation of a  
22 conspiracy, of a partnership in criminal purposes, is in  
23 and of itself pronounced a crime by the statute. A  
24 conspiracy is a combination or agreement of two or more  
25 persons to accomplish an unlawful purpose by their



1 concerted actions. The essence of the charge of  
2 conspiracy is an understanding among two or more persons  
3 that they will act together to accomplish a common  
4 objective which they know is unlawful. The understanding  
5 does not have to be formal or express one. The  
6 understanding essential to the finding of a conspiracy  
7 exists if by whatever means, tacit or outspoken, the  
8 alleged members of the alleged conspiracy have arranged  
9 to unite their several efforts to accomplish a common  
10 object that they know is unlawful.

11 Before you may find that a defendant, or any other  
12 person, has become a member of a conspiracy, the evidence  
13 in the case must show beyond a reasonable doubt that the  
14 conspiracy was formed, and that the defendant, or other  
15 person who is claimed to have become a member, helped  
16 to carry the plan forward knowing the principal terms  
17 of the plan and that it was unlawful and having the intent  
18 to advance or further some object of the conspiracy.

19 One who so joins an existing conspiracy is charged  
20 with the same responsibility as if he had been one of the  
21 originators or instigators of the conspiracy. It is not  
22 necessary that all of the named conspirators become such  
23 at the same time nor is it necessary that they all continue  
24 in the conspiracy until it ends.

25 The essential elements of the charge of Count 6

1 all of which the Government must prove against the defendant  
2 beyond a reasonable doubt or else you must acquit the  
3 defendant on Count 6 are the following:

4 First, that the defendant conspired with the others named  
5 in the Count that one or more or all of them should  
6 possess with intent to deliver and should deliver cocaine  
7 to another or to others;

8 Second, that the defendant understood that the  
9 substance so to be delivered was cocaine; and

10 Third, that the defendant's participation in the  
11 conspiracy was an intentional participation in what the  
12 defendant knew was an illegal venture.

13 If the Government establishes all three of these  
14 essential elements against the defendant beyond a  
15 reasonable doubt, then you will convict the defendant on  
16 Count 6. If the Government fails to prove any one or more  
17 or all three of the essential elements against the  
18 defendant beyond a reasonable doubt, then you must  
19 acquit the defendant on Count 6.

20 Proof that defendant conspired with others must be  
21 made by competent evidence, that is, by evidence of the  
22 defendant's acts and words, given before you by  
23 witnesses who saw him act and heard him speak and testify  
24 here in your presence. It is not enough for the Government  
25 to present testimony of witnesses who neither saw him act



1 nor heard him speak but who repeat from the witness stand  
2 only what they say some third person told the witness  
3 that defendant said and did. Such second hand testimony  
4 not competent to prove that defendant conspired with  
5 others. However, if there is competent evidence which  
6 you accept as true, that the defendant did become a  
7 conspirator, then he is responsible for all the acts  
8 done and words spoken by the other conspirators in  
9 furtherance of the conspiracy whether or not he was  
10 present when they were done or spoken.

11 Proof beyond a reasonable doubt is not proof to an  
12 absolute certainty. Few things in life can be so proved.  
13 Proof beyond a reasonable doubt is such proof as you would  
14 be willing to rely and act upon in the most important of  
15 your own affairs. If, after carefully weighing all the  
16 evidence you have an abiding conviction of the truth of  
17 the charge such that you feel conscientiously bound to  
18 act upon it, then you would be free from reasonable  
19 doubt. If, however, after weighing all the evidence,  
20 you have such a doubt as would cause prudent men to  
21 hesitate before acting in matters of importance to  
22 themselves, such a doubt would be a reasonable doubt.

23 That does not mean that each bit of the Government's  
24 evidence must be found by you to be true beyond a  
25 reasonable doubt. It means rather that in sum

1 total the Government's evidence must satisfy you beyond  
2 a reasonable doubt as to each element of the crime charged  
3 or you must acquit.

4 A reasonable doubt may arise not only from the  
5 evidence produced, but also from the lack of evidence.  
6 Since the burden of proof is always on the Government,  
7 a defendant has the right to rely on the failure of the  
8 Government to prove any essential element of the charge.  
9 A defendant may rely too on evidence brought out on his  
10 cross-examination of witnesses called by the Government.  
11 The law does not impose on a defendant the burden or  
12 duty of producing any evidence.

13 Under our law a defendant has a constitutional right to  
14 remain silent. No inference to the defendant can be  
15 drawn from that fact. Your deliberations accordingly  
16 must exclude consideration of or reference to the matter  
17 and must concern itself solely with the evidence before  
18 you.

19 A defendant is presumed to be innocent and that  
20 presumption accompanies him throughout the trial. It  
21 continues unless you are satisfied on all the evidence that  
22 the Government has proved defendant's guilt beyond a  
23 reasonable doubt.

24 I will not summarize the evidence.

25 You have heard four witnesses, to name them in the



1 order in which they testified: Harry Haralambus, Peter  
2 Mikedes, Paul Rudinsky and William Morton.

3 One exhibit has been received in evidence.

4 I have said that you must decide the case on the  
5 evidence.

6 The evidence is the testimony of these witnesses  
7 and the exhibit received in evidence.

8 Statements and arguments of Counsel and answers  
9 stricken from the record are not evidence.

10 The evidence includes, of course, what is brought  
11 out on cross-examination as well as what is testified  
12 under direct examination.

13 Your verdict must be based on the evidence. But in  
14 you consideration of the evidence you are not limited to  
15 the bare words of the witnesses and the bald facts that  
16 you find have been proved. The evidence includes the  
17 inferences reasonably to be drawn from the testimony  
18 which you hear and the facts which you find have been  
19 proved.

20 There are two types of evidence from which you may  
21 lawfully find that a fact has been proven. One is direct  
22 evidence, such as the testimony of an eyewitness to his  
23 observations of the facts to be proved. The other is  
24 circumstantial evidence, the proof of facts and  
25 circumstances which rationally imply the existence or

1 non-existence of some other fact because such other  
2 fact usually and reasonably follows according to the  
3 common experience of mankind. Thus, if you see people  
4 coming into a building shaking out dripping umbrellas,  
5 and others, about to go out-of-doors, turning back  
6 toward their offices, you infer from these circumstances  
7 that it is raining outside. Or, while you can see from  
8 your window that the sky is full of clouds and the  
9 streets are wet, you see also that passing cars are  
10 not using their windshield wipers and passerbys are  
11 carrying their umbrellas folded under their arms; you  
12 infer from those circumstances that it is not raining.

13 As a general rule the law makes no distinction  
14 between direct and circumstantial evidence. If the  
15 evidence, as here, is in part indirect and circumstantial,  
16 then you apply to it, along with all the other evidence,  
17 the same standard of proof: it must, taken with the other  
18 evidence, satisfy you of the defendant's guilt, beyond  
19 a reasonable doubt, or else you must acquit.

20 You are the sole judges of the credibility of the  
21 witnesses.

22 The motives and state of mind of each witness as they  
23 appear to you and the circumstances and inducements  
24 under which the witness testified are to be taken into  
25 account. Consider any relation each witness may



1 bear to either side of the case and the manner in which.  
2 the verdict might affect him.  
3

4 You may consider the appearance and manner of each  
5 witness on the witness stand, the witness' apparent  
6 candor or lack of it, and the character of the  
7 testimony given, whether the testimony contains  
8 inconsistencies or discrepancies, whether it is  
9 intrinsically credible or seems to you in whole or part  
10 improbable, and whether it conflicts with other testimony  
11 or is consistent with other testimony in the case.

12 In weighing the effect of conflict or discrepancy  
13 consider whether it pertains to a matter of importance  
14 or to unimportant details and whether it seems to you to  
15 result from innocent error or from falsehood. If you  
16 find a witness has been mistaken or untruthful, in all  
17 or in part of the testimony given, then you may give the  
18 testimony of that witness such credit, if any, as you  
19 think it deserves in the light of the nature and extent  
20 of the defects that you find in it.

21 Evidence that at an earlier time a witness made  
22 a statement inconsistent with or contradictory of that  
23 witness' testimony here in your presence justifies you  
24 in rejecting the testimony given before you on that  
25 point but does not require you to reject the testimony.  
You must decide in the light of the inconsistency and

1 all the other factors bearing on the credibility of the  
2 testimony whether you do or not accept it as true. You  
3 do not, however, take the earlier statement as establishing  
4 the facts; rather, you treat it as at most nullifying  
5 the testimony given here in Court.

6 If you conclude that a witness has knowingly  
7 testified falsely concerning any material matter, you  
8 have a right to distrust that witness' testimony in  
9 other particulars. You may reject all the witness'  
10 testimony or give it or parts of it the credence you  
11 think it deserves.

12 In considering the credibility of a witness you  
13 may take into account the fact that he has been  
14 previously convicted of a crime or crimes. You may  
15 also take into account evidence that a witness has admitted  
16 the commission of other acts that were in violation of  
17 the law.

18 You may conclude that the testimony of Harry  
19 Haralambus, Peter Mikedes, Paul Rudinsky and Williams  
20 Morton, if accepted by you would make him an accomplice  
21 in the commission of one or more of crimes. An  
22 accomplice is one who joins another in the commissions  
23 of a crime voluntary and with common purpose. An  
24 accomplice does not become incompetent as a witness  
25 because of his participation in the criminal acts



1 charged. On the contrary, if the only evidence on some or  
2 all of the essential elements of any count is the  
3 testimony of an accomplice, it may still be of  
4 sufficient weight, if you believe it, to ascertain a verdict  
5 of guilty without corroboration in or support of other  
6 evidence. Yet bear in mind that accomplice testimony  
7 is to be received with caution and weighed with care.  
8 You should not convict on unsupported accomplice  
9 testimony unless you believe that testimony beyond  
10 a reasonable doubt.

11 I have sought not to comment on the evidence or to  
12 give any impression as to my own view, if I have one,  
13 of the relative weight of the evidence, if I have done  
14 so, however, you may disregard it entirely for you are  
15 the sole judges of the facts.

16 From time to time in the course of the trial  
17 objections have been made and rulings on evidence given.  
18 Draw no inferences from the comparative frequency of  
19 objections of one or the other side or from the  
20 comparative record in having objections sustained.  
21 Where an objection to a question has been sustained,  
22 disregard the question and draw no inferences from its  
23 wording about the answer that might have been given.  
24 Where an objection is overruled, evidence then received  
25 has no special weight just because unsuccessfully

1 objected to.

2 Your verdict must be unanimous.

3 It is your duty as jurors to consult with one  
4 another and to deliberate with a view to reaching a  
5 agreement if you can do so without doing violence to  
6 individual judgement. Each of you must decide the case  
7 for yourself but do so only after an impartial consideration  
8 of the evidence with your fellow jurors. In the course  
9 of your deliberations do not hesitate to reexamine your  
10 own views and change your opinion if convinced it is  
11 erroneous. Your task is one of conscience, and pride of  
12 opinion has no place in matters of conscience. But do  
13 not surrender your honest conviction as to the weight  
14 or effort of evidence solely because of the opinion of  
15 your fellow jurors or for the mere purpose of returning  
16 a verdict.

17 The form of your verdict, which must be given  
18 separately on each Count is simple. Your verdict must  
19 be either guilty or not guilty, and it must be given  
20 separately for each Count. It must be a unanimous verdict  
21 on each Count. Your verdict need not be the same on  
22 all Counts.

23 Your verdict on each Count will be delivered  
24 orally here in Court by your foreman in response to  
25 questions which the Deputy Clerk of Court will address



1 to him.

2 You are not partisans - you are judges - judges of  
3 the facts. Your sole interest is to ascertain the  
4 truth from the evidence in the case.  
5

6 When you have reached a verdict and are ready to  
7 report, simply advise the Marshall that you have reached  
8 a verdict without disclosing orally or in writing what  
9 your verdict is.

10 Your verdict must not be disclosed to anyone  
11 before you deliver it orally in the Court Room in  
12 response to the questions of The Clerk of The Court.

13 If you wish to communicate with The Court, do so  
14 in writing, using the Foreman, Juror number 1, as your  
15 intermediary and representative. Notify the Marshall  
16 when you have any communication, who will be seated out-  
17 side here in the Court Room. When you have an answer  
18 for him you will have to open the sound proof door and  
19 knock on the Court Room door and he will open it and  
20 take the message from you.

21 There will be a short recess during which counsel  
22 will review the charges with me to make certain that  
23 nothing has been omitted or misspoken. Then you will  
24 retire to the Jury Room to deliberate your verdict.

25 Now, please do not initiate your discussions  
because you have two people who will become strangers

1 to you, Mr. Gates and Mr. Barlow. Between now and the time  
2 the Jury retires you will be excused, Mr. Gates and Mr.  
3 Barlow; so that when you return to the Jury Room you will  
4 bring your hats and coats with you.

5 We will have a short recess now.

6 (Whereupon, the Jury was excused)

7 MR. BARLOW: The Government has absolutely no  
8 objections to the charges.

9 MR. KELLY: I have no objections.

10 MR. BARLOW: Except Your Honor referred to Mrs.  
11 Charness as the foreman. I don't think --

12 THE COURT: I always call them foreman no matter  
13 what their sex is. I just don't like to use the word  
14 forelady, and if I had said foreperson she might get up  
15 in arms and say you deny me my right to be a superior  
16 sex or whatever it is.

17 MR. KELLY: Judge, I forgot to make the Motion, at  
18 the end of the entire trial, may I make it now.

19 THE COURT: Yes.

20 MR. KELLY: 29A Motion renewed.

21 THE COURT: Denied. Now, I will keep them until  
22 5:30, then I will send them home.

23 We have only one exhibit?

24 MR. BARLOW: Yes.

25 THE COURT: Bring in the Jury.



## JUDGMENT AND COMMITMENT

United States of America vs.

United States District Court for

DEFENDANT

Eastern District of N.Y.

CHRISTOPHER WILLIAMS

a/k/a WELFORD LEE BRAXTON

DOCKET NO.

75 CR 814

## JUDGMENT AND PROBATION COMMITMENT ORDER

In the presence of the attorney for the government  
the defendant appeared in person on this date

MONTH	DAY	YEAR
4	30	1976

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

Edward Kelly, Legal Aid Society

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that  
there is a factual basis for the plea,☐ NOLO CONTENDERE,☐ NOT GUILTY

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged☒ GUILTY counts 1, 2 & 6

M'FILED

FINDING &  
JUDGMENT

Defendant has been convicted as charged of the offense(s) of violating T-21, U.S.C.Secs.841(a)(1) 846 and T-18, U.S.C.Sec. 2, in that on or about and between Dec. 25, 1973 and July 1974, both dates being approximate and inclusive, the defendant, with another, did knowingly, intentionally did conspire with each other to intentionally ~~xxx~~ did distribute and possess with intent to distribute approximately one-quarter pound of cocaine, a Schedule II narcotic controlled substance

SENTENCE  
OR  
PROBATION  
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

On the Jury's verdict of guilty on count 1 -2 and 6 of the superseding indictment the defendant is committed for 5 years and to a special additional parole term of 5 years on each of the counts the sentences are to run concurrently. Defendant released pending appeal. Present bail continued - defendant to report weekly to the U.S. Marshal for the District of Columbia.

SPECIAL  
CONDITIONS  
OF  
PROBATION

FILED  
U.S. DISTRICT COURT, N.Y.  
MAY 3 1976

Time A.M. ....  
P.M. ....

ADDITIONAL  
CONDITIONS  
OF  
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT  
RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

☒ U.S. District Judge☐ U.S. Magistrate

Date

May 3, 1976

A-298  
NOTICE OF APPEAL  
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

CHRISTOPHER WILLIAMS, a/k/a  
WELFORD LEE BRAXTON,

Defendant.

Docket Number

75 CR 814

FILED

IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

JOHN F. DOOLING, Jr.

★ (District Court Judge)

MAY 3 1976

TIME A.M. ....  
P.M. ....

NOTICE OF APPEAL

Notice is hereby given that CHRISTOPHER WILLIAMS, a/k/a WELFORD LEE BRAXTON appeals to the United States Court of Appeals for the Second Circuit from the ☒ Judgment ☐ order ☐ other (specify) \_\_\_\_\_ entered in this action on April 30, 1976 (Date)

EDWARD J. KELLY, ESQ.,  
FEDERAL DEFENDER SERVICES UNIT  
(Counsel for Appellant)  
LEGAL AID SOCIETY  
26 Court Street, Room 701  
Brooklyn, New York 11242

Date April 30, 1976

Address

To: LEWIS ORGEN,  
CLERK  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Phone Number (212) 522 3494

ADD ADDITIONAL PAGE IF NECESSARY

(TO BE COMPLETED BY ATTORNEY)

TRANSCRIPT INFORMATION - FORM B

► QUESTIONNAIRE

► TRANSCRIPT ORDER

DESCRIPTION OF PROCEEDINGS  
FOR WHICH TRANSCRIPT IS  
REQUIRED (INCLUDE DATE).

I am ordering a transcript

I am not ordering a transcript

Reason:

☐ Daily copy is available

☐ U.S. Attorney has placed order

☐ Other. Attach explanation

Prepare transcript of

☐ Pre-trial proceedings

☒ Trial

☒ Sentence

☐ Post-trial proceedings

Trial: 1/19; 1/20; 1/21; 1/22/76  
Sentence: 4/30/76

ATTORNEY certifies that he will make satisfactory arrangements with the court reporter for payment of the cost of transcript. (FRAP 10(b))

TORNEY'S signature Edward J. Kelly Method of payment ☐ Funds ☒ CJA Form 21

DATE

April 30, 1976

► COURT REPORTER ACKNOWLEDGEMENT

To be completed by Court Reporter and  
forwarded to Court of Appeals.

Order received

Estimated completion date

Estimated number  
of pages.

Date

Signature

(Court Reporter)

ORIGINAL



STATE OF NEW YORK )  
COUNTY OF NEW YORK) ss.:

Robert LaGrassa, being duly sworn,  
deposes and says that deponent is not a party to the action,  
is over 18 years of age and resides at 62-20 60th Rd.  
MASPETH, N.Y.C.

That on the 6th day of October, 1976,  
deponent personally served the within APPENDIX

upon the attorneys designated below who represent the  
indicated parties in this action and at the addresses below  
stated which are those that have been designated by said  
attorneys for that purpose.

~~By leaving true copies of same with a duly  
authorized person at their designated office.~~  
copy

By depositing 1 true/copies of same enclosed  
in a postpaid properly addressed wrapper, in the post office  
or official depository under the exclusive care and custody  
of the United States post office department within the State  
of New York.

Names of attorneys served, together with the names  
of the clients represented and the attorneys' designated  
addresses.

MICHAEL J. REMINGTON  
Department of Justice  
Post Office Box 899  
Ben Franklin Station  
Washington, D. C. 20044

DAVID G. TRADER  
U.S. Attorney, Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, N. Y. 11201

Sworn to before me this  
6th day of October, 19 76.

Robert LaGrassa

Michael DeSantis  
MICHAEL DeSANTIS  
Notary Public, State of New York  
No. 03-0930908  
Qualified in Bronx County  
Commission Expires March 30, 1977